

GARY R. HERBERT Governor

GREG BELL Lieutenant Governor

Department of **Environmental Quality**

Amanda Smith Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director

Water Quality Board Myron E. Bateman, Chair Clyde L. Bunker, Vice Chair Merritt K. Frey Gregg A. Galecki Jennifer M. Grant Leland J. Myers Shane E. Pace Hugo E. Rodier Amanda Smith Walter L. Baker Executive Secretary

Utah Water Quality Board Meeting DEQ Building Board Room #1015 195 North 1950 West Salt Lake City, Utah 84116 August 28, 2013

Work Meeting Begins @ 8:30 a.m. Utah's Nutrient Strategy Jeff Ostermiller

Board Meeting Begins @ 9:30 a.m.

AGENDA

Α.		Water Quality Board Meeting – Roll Call
В.	(Tab 1)	Minutes: 1. Approval of Minutes for June 26, 2013
C.		Executive Secretary's Report
D.	(Tab 2)	Funding Requests: 1. Financial Status Report
		2. Coalville Request for Supplemental AuthorizationLisa Nelson
		3. NPS Funding request – Utah Association of Conservation Districts and Utah Farm Bureau
E.	(Tab 3)	Rulemaking: 1. Request to adopt the amendment to R317-11, Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems. Judy Etherington
		2. Request to proceed with rulemaking to R317-6 <i>Groundwater Quality Protection</i>
F.	(Tab 4)	Other Business: 1. Agricultural Certificate of Environmental Stewardship Program
G.	(Tab 5)	News Articles:

Tentative date change for Next Meeting Tuesday September 24, 2013 Joint meeting with the Utah Conservation Committee Heber City, Utah

195 North 1950 West • Salt Lake City, UT Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870 Telephone (801) 536-4300 • Fax (801) 536-4301 • T.D.D. (801) 536-4414 www.deq.utah.gov Printed on 100% recycled paper



State of Utah

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Executive Secretary

MINUTES UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

DEQ Building Board Room #1015 195 North 1950 West Salt Lake City, Utah 84116 Wednesday, June 26, 2013

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Amanda Smith Jennifer Grant Clyde Bunker Leland Myers Shane Pace Myron Bateman

Hugo Rodier

Merritt Frey

Gregg Galecki

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, John Whitehead, Leah Ann Lamb, Faye Bell, Emily Cantón, Beth Wondimu, Ed Macauley, Jeff Ostermiller, Dave Snyder, Don Hall, Amy Dickey, Dave Wham, Jenny Nicholas, Judy Etherington, Mike Allred, Chris Bittner, Bill Damery, Svetlana Kopytkovskiy, John Cook

OTHERS PRESENT

Name

Brian Cowan

Ryan Jolley
Roger Chambe

Roger Chamberlain Judy Fahys

Keenan Nelson Gina Marble Steve Woerner

Scott Goodliffe Richard Jex Mark T Miller

John Bjerregaard Louis Cooper Randy Hansen Ben Witt

Dave Spence Jay Olson

Jeremy Roberts Crystal Young Robert Bradley

Laura Lockhart Rob Dubuc Organization Representing

Weber Morgan Health Dept Jones & DeMille Engineering

Long Valley Sewer Improvement District

Salt Lake Tribune Elwood Town Elwood Town Elwood Town Elwood Town SCG Enterprises

Wasatch Civil Engineering Wasatch Civil Engineering Weber Morgan Health Dept. Mayor of Elwood Town Alternative Onsite Solutions Davis County Health Dept.

Dept of Agriculture

Salt Lake County Health Dept.

RRO/Helper City Helper City

Attorney General Office Western Resource Advocates

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Amanda Smith called the Board meeting to order at 9:35 a.m. and invited the members of the audience to introduce themselves.

Election of WQB Chair and Vice Chair: Ms. Smith opened nominations for Chair of the Water Quality Board.

Motion:

It was moved by Mr. Myers and seconded by Mr. Bunker to approve Myron Bateman as the new WQB Chair. The motion was unanimously approved.

Ms. Smith opened nominations for Vice Chair of the Water Quality Board.

Motion:

It was moved by Mr. Bateman and seconded by Mr. Myers to approve Clyde

Bunker as the new WQB Vice Chair. The motion was unanimously

approved.

APPROVAL OF MINUTES OF THE MAY 1, 2013 MEETING

Motion:

It was moved by Mr. Myers and seconded by Ms. Frey to approve the

minutes of the May 1, 2013 meeting as written. The motion was unanimously

approved.

Executive Secretary's Report: Mr. Baker informed the Board that the closure of Willard Bay (due to the Chevron Willard Bay spill) continues. It is anticipated Willard Bay will reopen to the public sometime in July.

Interium Committee Meeting –The Nutrient Strategy Committee, which included Mr. Myers, Mr. Baker, people from the Department of Agriculture and a number of others gave a lengthy presentation to the Interium Legislative Committee on the nutrient strategy we are embarking on. In September we will go before the Interim Committee to explain the benefits of implementing the strategy, what does it mean ecologically, how it will improve our waters and why it is important. No new legislation will be required to implement the strategy, however, there does need to be new rulemaking. A key component of this strategy is how to fund NPS projects that will reduce nutrients. A "toilet tax" on residences connected to sewers is being proposed, which would result in revenues of \$1 per month per connection, or approximately \$10 million per year. The funds would be remitted to the state and would be allocated to NPS projects by the Water Quality Board. The approach would be to use \$8.5 million towards the projects and \$1.5 million per year towards water quality studies of the Great Salt Lake to protect that resource.

FUNDING REQUEST

Financial Assistance Status Report– Ms. Cantón updated the Board on the "Summary of Assistance Program Funds" as shown on page 2.1 of the Board packet.

Elwood Town Request for Supplemental Construction Grant – Mr. Cook introduced Mayor Randy Hanson from Elwood Town and John Bjerregaard with Wasatch Civil Engineering. Wasatch Civil discovered an accounting error while tracing engineering invoices dating back several years resulting in a shortfall of \$21,681.83 owed to Wasatch Civil. Staff recommends that the Board authorize Elwood Town an additional \$21,681.83 to cover the remaining balance owed Wasatch Civil.

Motion:

It was moved by Mr. Myers and seconded by Ms. Grant to approve the additional \$21,681.83 in construction grant. The motion was approved with all in favor except Mr. Bunker voting against.

Long Valley Sewer Improvement District Authorization – Mr. Macauley introduced Roger Chamberlain from Long Valley Sewer Improvement District (Long Valley) and Ryan Jolley with Jones & DeMille Engineering. Long Valley is requesting a \$1,150,000 loan at an interest rate of 0.0% repayable over 30 years and a \$1,150,000 grant to rehabilitate its existing wastewater collection and treatment system. The Community Impact Board has previously approved identical funding conditioned on Water Quality Board authorization of this matching funding. Long Valley is also requesting a Design Advance in the amount of \$376,000.

Motion:

It was moved by Ms. Frey and seconded by Mr. Galecki to approve Long Valley's request for a \$1,150,000 loan at an interest rate of 0.0% repayable over 30 years and a\$1,150,000 grant to rehabilitate its existing wastewater collection and treatment system, along with a Design Advance in the amount of \$376,000, subject to special conditions stated in the feasibility report. The motion was unanimously approved.

RULEMAKING

Request for adoption of rule R317-4 Onsite Wastewater System: Mr. Snyder directed the Board's attention to the "Summary of Comments received during the Public Comment Period" shown on pages 3.3b, 3.3c and 3.3d. Staff recommended that the Board adopt the proposed changes to Utah Administrative Code, R317-4 and that it be made effective immediately. A number of people in the audience asked to speak to the Board about their concerns with the proposed rule changes. A number of individuals spoke from the audience, and in particular Jeremy Roberts reported that Salt Lake County Health Department needed time to put a local program in place to meet the requirements of the proposed rule regarding alternative wastewater treatment system and, therefore, asked that the implementation date of the rule be delayed.

Motion:

Following an extensive discussion it was moved by Mr. Myers and seconded by Mr. Pace to adopt the proposed Repeal and Reenactment of R317-4 Onsite Wastewater Systems with an effective date of September 1, 2013, to provide additional time for Local Health Departments to address the concerns which were discussed. The motion was unanimously approved.

Request to adopt with changes, R317-1 Definitions and General Requirements, and R317-2, Standards of Quality for Waters of the State: Mr. Bittner explained to the Board that a public hearing was held on April 3, 2013 and a 30-day public comment period was held. Some comments were received during the comment period from the US EPA and the River Network. Clarifying changes proposed to R317-1 in response to River Network's comment were highlighted in green in the packet. The new changes to R317-2 were in response to staff comments regarding updating the rule to be consistent with Senate Bill 21 and are also highlighted in green. Staff recommended that the Board adopt the Change in Proposed Rule for R317-1-1 and adopt the Change in Proposed Rule for R317-2 and allow filing of the rule with DAR to seek any public input on the changes.

Motion:

It was moved by Ms. Frey and seconded by Mr. Meyers to approve staff request to adopt the Change in Proposed Rule for R317-1-1 and R317-2 and seek public comment on the rule upon filing with DAR. The motion was unanimously approved.

Request to adopt with changes R317-15, 401 Water Quality Certification: Mr. Damery explained that Section 401 of the Clean Water Act (CWA) requires that any applicant for a federal permit or license to conduct an activity that will or may discharge into waters of the United States must present the federal authority with a Water Quality Certification from the appropriate state agency. The Utah Division of Water Quality has executed a 401 Water Quality Certification process since receiving delegation from EPA; however, incomplete state rules existed for this program. This new rule establishes procedures for submitting and processing State Water Quality Certification pursuant to Section 401 of the federal Clean Water Act and consistent with the Utah Water Quality Act. The Board approved proceeding to rulemaking for public review. Written comments were received during the 30-day public comment period from U.S. EPA Region VIII, Friends of Great Salt Lake and River Network. After careful review of all comments received, DWQ made several changes to the proposed rule. Included in the packet are Attachment 1 and Attachment 2 reflecting the comments received and the revised proposed rule. Staff requested Board approval to solicit public comment on the changes made.

Motion:

It was moved by Ms. Frey and seconded by Mr. Bunker to approve staff request to adopt the Change in Proposed Rule for R317-15 and seek public comment. The motion was unanimously approved.

Requesting authority to proceed to rulemaking for R317-10, Certification of Wastewater Works Operators: Ms. Etherington explained to the Board that, as a result of SB21which instituted changes in the duties and responsibilities of the Water Quality Board and the Division Director, R317-10 was reviewed by the Office of the Attorney General for compliance with this bill. Included in the packet are proposed changes addressing modifications to the rule to clarify how those duties and responsibilities will now be incorporated in the Wastewater Operator Certification Program. One proposed change in particular included removing the Wastewater Operator Certification Council from the rule, and Mr. Myers objected to this change.

Motion:

Mr. Myers made a motion to table the issue and was seconded by Mr. Bunker. The motion was unanimously approved.

Requesting authority to proceed to rulemaking for R317-11, Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems: Ms. Etherington explained that as a result of SB21 which instituted changes in the duties and responsibilities of the Water Quality Board and the director of the Division of Water Quality, R317-11 was reviewed by the Office of the Attorney General for compliance with this bill. The proposed changes address modifications to the rule to clarify how those duties and responsibilities will now be incorporated in the Onsite Professional Certification Program. Staff recommends the Board initiate the rulemaking process.

Motion: It was moved by Mr. Bunker and seconded by Ms. Grant to proceed to rulemaking on R317-11. The motion was unanimously approved.

Initiate rulemaking SB21 Executive Secretary/Director: Mr. Wham explained the majority of changes made to R317-1 Definitions and General Requirements, R317-3 Design Requirements for Wastewater Collection, Treatment and Disposal Systems, R317-5 Large underground Wastewater Disposal Systems, R317-6 Ground Water Quality Protection, R317-7 Underground Injection Control (UIC) Program, R317-12 General Requirements: Tax Exemption for Water Pollution Control Equipment and R317-401 Graywater Systems were minor changes such as replacing the term "Executive Secretary" with "Director".

Motion:

It was moved by Mr. Myers and seconded by Mr. Galecki to approve staff request to proceed to rulemaking on all the above rules. The motion was unanimously approved.

Request to adopt with changes, R317-8 Concentrated Animal Feeding Operation: Mr. Hall directed the Boards attention to page 3.433 in the packet. Mr. Hall explained in July 2012, the U.S. EPA revised the federal CAFO Rule in 40 CFR. The Division of Water Quality is now required to incorporate the federal revisions into state rule. This revised rule will change the existing rule in R317-8 pertaining to CAFOs and will add a new section of rule in R317-8-10 specific to AFOs and CAFOs. Staff presented the proposed rule to the Conservation Commission on March 18, 2013 where it was satisfactorily received. Staff also worked with the AFO/CAFO Committee and the Utah Department of Agriculture in the development of the proposed rule. DWQ did not receive comments during the 30-day public notice period. As a result of the Board meeting on May 1, 2013, DWQ changed the proposed rule to reflect the Board's edit of R317-8-10.9(3)(c). Mr. Jay Olson with the Department of Agriculture and Food requested the wording at the bottom "Approved Agriculture Environmental Stewardship Program" be changed to ACES Program due to new name. Also in R317-8-10.9(3)(c) Mr. Olson requested the wording regarding the requirement to obtain exemption from agriculture discharge be eliminated. An extensive discussion followed.

Motion:

It was moved by Mr. Myers to approve the rule but request staff and UDAF work on finding an agreeable word change to paragraph (c) within 6 months. The motion was second by Ms. Frey and was approved with Mr. Bunker opposing.

Presentation by Jason Carey with River Restoration updating the board on the planning effort for the Helper City Price River Restoration Project: Helper City and River Restoration are nearing completion of a feasibility study for restoring habitat and improving water quality on a segment of the Price River. Mr. Carey explained the plan by providing the background, location, goals and objectives, and the anticipated benefits. This multi-phase project will take several years to complete and is expected to have significant environmental, social and economic benefits.

Presentation of "Draft Colorado River Selenium TMDL": Mr. Allred gave a presentation to the Board explaining that the Division of Water Quality (DWQ) is preparing a Total Maximum Daily load (TMDL) for selenium in the Colorado River. Local stakeholders from the Moab Area Watershed Partnership are serving as the Advisory Committee for the TMDL. The Colorado River was originally listed o Utah's 2006 303(d) list due to excess concentrations of selenium that exceed Utah's chronic standard for selenium of 4.6 ug/l. Selenium exists naturally in the Mancos Shale derived soils common to the Colorado River Basin. Two charts included in the presentation clearly shows that the selenium problem in the Colorado River is seasonal and occurs in predominately low flow conditions in August.

Next Meeting – August 28, 2013 @ 9:30 a.m. DEQ Building Board Room #1015 195 North 1950 West Salt Lake City, Utah 84116

> Myron Bateman, Chair Utah Water Quality Board

HARDSHIP GRANT FUNDS FINANCIAL PROJECTIONS



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LOAN FUNDS FINANCIAL PROJECTIONS

	1st Qtr FY 2014	2nd Qtr FY 2014	3rd Qtr FY 2014	4th Qtr FY 2014	1st Qtr FY 2015	2nd Qtr FY 2015
STATE REVOLVING FUND (SRF)	July - Sept 2013	Oct - Dec 2013	Jan - Mar 2014	Apr - June 2014	July - Sept 2014	Oct - Dec 2014
Funds Available						
SRF - 1st Round (LOC) 2013 Cap Grant	\$ 6,725,760	\$	\$ 1/20	\$ =	\$	\$
Less: 2013 Principal Forgiveness Amount	(495,019)					
State Match	296,720	-	72	2	្ន	
SRF - 2nd Round	56,784,376	50,430,679	51,991,087	57,544,806	60,355,352	62,500,919
Interest Earnings at 0.6%	85,177	75,646	77,987	86,317	90,533	93,751
Loan Repayments	1,096,666	1,484,761	5,475,733	2,724,229	2,055,034	1,520,811
Total Funds Available	64,493,679	51,991,087	57,544,806	60,355,352	62,500,919	64,115,482
Project Obligations						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Granger-Hunter Improvement District	(702,000)	720	-			
Kearns Improvement District (2011)	(4,685,000)			-	<u> </u>	
South Valley WRF - NonPoint Source	(305,000)	-	%			
Loan Authorizations					88	
Echo Sewer SSD	(218,000)	140	9	2		
Ephraim City	(2,553,000)				1.5	
Eureka City	(1,300,000)	20		2		_
Francis City	(4,300,000)	9		-		
Projects in Planning						
Logan City			(#)	-		(50,000,000)
Total Obligations	(14,063,000)		1/20			(50,000,000)
SRF Unobligated Funds	\$ 50,430,679	\$ 51,991,087	\$ 57,544,806	\$ 60,355,352	\$ 62,500,919	\$ 14,115,482

	1s	t Qtr FY 2014	2n	d Qtr FY 2014	3rd	Qtr FY 2014	4	th Qtr FY 2014	1	st Qtr FY 2015	2nd	Qtr FY 2015
UTAH WASTEWATER LOAN FUND (UWLF)		y - Sept 2013	00	ct - Dec 2013	Jar	n - Mar 2014	Α	pr - June 2014	Ju	uly - Sept 2014	Oct - Dec 2014	
Funds Available										who was a second		
UWLF	\$	10,579,987	\$	4,852,823	\$	5,789,734	\$	7,132,739	\$	8,527,310	Ś	9,513,335
Sales Tax Revenue		417,506		896,875		896,875		896,875		896,875		896,875
Loan Repayments		14,000		366,986		773,080		824,646		416,100		355,000
Total Funds Available		11,011,493		6,116,684		7,459,689	П	8,854,260		9,840,285		10,765,210
General Obligations												. ,
State Match Transfer		(296,720)				151				*		~
DWQ Administrative Expenses		(326,950)		(326,950)		(326,950)		(326,950)		(326,950)		(326,950)
Project Obligations												, , ,
Murray City		(1,596,000)				-				2		¥
Loan Authorizations												
*Coalville		(1,144,000)		(m)								
Long Valley SID		(1,150,000)		(#)								-
Midvalley Improvement District		(1,645,000)		(4)								
Projects in Planning												
Eagle Mountain City		9				700		-		=		9
Total Obligations		(6,158,670)	-	(326,950)	-	(326,950)	-	(326,950)		(326,950)		(326,950)
UWLF Unobligated Funds	\$	4,852,823	\$	5,789,734	\$	7,132,739	\$	8,527,310	\$	9,513,335	\$	10,438,260

State of Utah Wastewater Project Assistance Program Project Priority List

Description of Description	Description of Project Status	Project in planning phase	Project in design phase	Project in planning phase	Project in design phase	Project under construction	Project under construction	Project in planning phase	Project under construction	Project in planning phase	Project under construction	Project under construction	Project in planning phase	Project in design phase			
Funding	Authorized		×	×	×	×	×	×	×	×	×	×	×	×			
	Project Name	Logan City	Coalville City	Eureka City	Echo City	Kearns Improvement District	Granger-Hunter Improvement District	Ephraim	Santaquin City	Long Valley Sewer Improvement District	Murray City	Elwood Town	Francis City	MidValley Improvement District			
FY14	Rank	1	2	3	4	į	(all) c	7	00	6	9	11	12	13			

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GREG BELL Lieutenant Governor

Department of Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director

MEMORANDUM

TO:

Utah Water Quality Board

THROUGH:

Walter L. Baker, P.E.

Executive Secretary

FROM:

Lisa Nelson, EIT

Environmental Engineer

DATE:

August 28, 2013

SUBJECT:

Coalville City Request for Additional Funding for Increased Construction Costs

On January 25, 2012 the Water Quality Board (the Board) authorized Coalville funding in conjunction with financing from USDA Rural Development to build a new wastewater treatment facility to replace existing aged plant. On July 18, 2013 bids for the plant were opened and the low bidder was significantly above the budgeted amount. Below is a table comparing the original budget and the updated 2013 budget:

	2011 Budget	2013 Budget	Di	fference
Legal and Bonding	\$ 28,000	\$ 43,560	\$	15,560
DWQ Loan Origination Fee (1%)	\$ 27,000	\$ 11,440	1	(\$15,560)
Engineering - Design	\$ 684,000	\$ 986,548	\$	302,548
Engineering - CMS	\$ 684,000	\$ 604,362		(\$79,638)
Property & Easements	\$ 350,000	\$ 299,000		(\$51,000)
Construction	\$ 6,370,000	\$ 9,041,868	\$	2,671,868
Contingency	\$ 1,047,000	\$ 452,425	(\$594,575)
Repay 2001 Bond	\$ 294,000	\$ 154,813	(\$139,187)
AT&T Fiber Optic Relocation		\$ 123,000	\$	123,000
Archaeologist	\$ 40,000	\$ 65,000	\$	25,000
Direct Expenses		\$ 8,981	\$	8,981
Interest Accrued		(\$4,997)		(\$4,997)
Total	\$ 9,524,000	\$ 11,786,000	\$	2,262,000

Coalville City Memo to Water Quality Board August 28, 2013 Page 2

Coalville City was able to successfully obtain additional financing from USDA-RD to help cover the short fall, however the City does still need additional funding from the Board to fully fund the project. The revised funding package is shown below in the following table:

Funding Partners	2011 Amount	2013 Amount	Difference
WQB Grant	\$ 3,480,000	\$ 4,121,000	\$ 641,000
WQB Loan	\$ 1,282,000	\$ 1,144,000	(\$138,000)
USDA Loan	\$ 2,273,000	\$ 2,856,000	\$ 583,000
USDA Grant	\$ 2,489,000	\$ 3,665,000	\$ 1,176,000
Total:	\$ 9,524,000	\$ 11,786,000	\$ 2,262,000

There were numerous compounding reasons for this substantial project cost overrun. The recent rebound in construction has resulted in higher construction costs. In addition, after design started challenging dewatering issues associated with the deep gravity line and the crossing of Chalk Creek were identified. The City also elected to incorporate additional flexibility to operate the MLE plant in multiple modes to optimize nutrient removal given the likelihood of more stringent discharge limits in the future. There were added expenses to have a roof on the facility given the potential for odor problems and the facility's prominent visibility as you enter the City. Other unforeseen expenses included the requirement to use larger aerators, the relocation of AT&T fiber optic lines, the addition of an in-plant lift station, and switching to mechanical reaeration rather than gravity. All of these contributed to the project cost overrun.

The City opened bids on July 18th and the low bidder was more than \$1.5 million less than the next low bidder. The low bidder has informed the City that they are unable to hold their bid price past the bid expiration date of September 16th. The City and the engineer immediately applied to RD for additional funding and RD was able to provide more than 75% percent of the requested funds. The City was extremely fortunate as it narrowly met RD's obligation deadline of August 8th, which was when unobligated funds are returned to the national office. It is critical that the City obtain this additional funding so that they can secure the contractor at their bid price.

Coalville City is requesting revised project funding in the form of a \$4,121,000 construction grant and a \$1,144,000 loan repayable over 20 years at an interest rate of 0.0%.

Staff recommends that the Board authorize the funding package as stated with the following special conditions:

- 1. Coalville City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
- 2. Coalville City must establish a depreciation reserve fund and fully fund depreciation annually for the term of the bond, insofar as it is affordable, as determined by raising rates annually up to the maximum affordable limit (1.4% MAGI) as necessary to fund depreciation.
- 3. This authorization replaces all prior authorizations, pays off the outstanding 2001 sewer bond, and requires repayment of all outstanding advances at loan closing.

Coalville City Cash Flow Analysis (2013 dollars)

3	678	0,73%	1.24%	155,5	36.00		Debt	Service	Ratio			1,25	1,27	1.28	1,30	1:32	1,33	1,44	1,47	1,50	1,53	1,56	1.59	1.64	1,67	1,70	1.74	1.76	1.79	1.82	1.86
	S			n	n s		[Ň												_		_			_			_			
sa								Net	Revenue	71,495	86,895	30,581	33,534	36,488	39,441	42,394	45,347	78,287	83,603	88,919	94,234	99,550	104,866	114,103	120,010	125,916	131,822	136,729	142,635	148,542	154,448
Projected Sewer Revenue Sources	IERU	rowth thru 2020	50% Projected Growth 2021-2030	1 407 942 100	L.4% X 342,188 User Fec			Ending	Cash Flow	71,495	158,390	188,971	222,506	258,993	298,434	340,828	386,176	464,463	548,065	636,984	731,218	830,768	935,634	1,049,737	1,169,747	1,295,663	1,427,485	1,564,214	1,706,850	1,855,391	2,009,839
Projected Sewer	Beginning Cash 2012 Customers (ERU)	50% Projected Growth thru 2020	50% Projected Gi	Sewer impact ree	Max User Fec (@1.4% x 342,188 Current Monthly User Fec			Beginning	Cash	i	71,495	158,390	188,971	222,506	258,993	298,434	340,828	386,176	464,463	548,065	636,984	731,218	830,768	935,634	1,049,737	1,169,747	1,295,663	1,427,485	1,564,214	1,706,850	1,855,391
								Total	Ехрепѕсѕ	273,000	260,000	395,387	395,387	395,387	395,387	395,387	395,387	381,087	381,087	381,087	381,087	381,087	381,087	381,087	381,087	381,087	381,087	382,087	382,087	382,087	382,087
								O&M	Expenses	260,000	260,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000	202,000
							Existing	Sewer Debt	Service	13,000	*	ilt.	ž)		W	*	1980	8.	12	9	2	e,	9	690	8		£	2	10	5	S*
0	202,000	122,087	526 100	001,055			USDA	Loan	Payment			122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087	122,087
S): 20 vrs)	yrs)	ed):	Annual Cost:			WQB	Interest	Payment	((*))		(0	×		6	Œ	(100)	r	(0	XI	×	r	×	(100)t	(9	X	9	æ	(0)	100
Annual Sewer Expenses	Expense (O&M) ard Loan (0.0%.	nent (2.75%, 38	be retinanced):	Iolai			WQB	Remaining	Principal	1,144,000	1,144,000	1,087,000	1,030,000	973,000	916,000	859,000	802,000	745,000	688,000	631,000	574,000	517,000	460,000	403,000	346,000	289,000	232,000	174,000	116,000	58,000	200
Projected Annua	Annual Operating Expense (O&M): Water Ouality Board Loan (0.0%, 20 vrs)	USDA Loan Payment (2.75%, 38 yrs)	Existing Debt (to be refinanced):					WQB Loan	Reserves			14,300	14,300	14,300	14,300	14,300	14,300						7								
7)	7	۱ د	- <u>.</u> Î					WQB Loan	Payment			57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	58,000	58,000	58,000	58,000
								Total	Revenue	344,495	346,895	425,969	428,922	431,875	434,828	437,781	440,735	459,374	464,690	470,006	475,322	480,637	485,953	495,190	501,097	507,003	512,910	518,816	524,722	530,629	536,535
								Impact Fee	Revenue	16,655	16,655	16,655	16,655	16,655	16,655	16,655	16,655	29,979	29,979	29,979	29,979	29,979	29,979	33,310	33,310	33,310	33,310	33,310	33,310	33,310	33,310
	\$ 4,121,000		\$ 3,665,000	11,786,000				User Charge	Revenue	327,840	330,240	409,314	412,267	415,220	418,173	421,126	424,080	429,395	434,711	440,027	445,343	450,658	455,974	461,880	467,787	473,693	479,600	485,506	491,412	497,319	503,225
	G) 99	√7 E	Total:			SII	Total		(ERU)	683	889	693	869	703	708	713	718	727	736	745	754	763	772	782	792	802	812	822	832	842	852
50				-		rojection	unual 3		(ERU) (E	5	5	2	S	5	2	5	5	6	6	6	6	6	6	10	10	10	10	10	10	10	01
Financi	tt (<u></u>	<u> </u>			enue Pr	Growth Annual Total		(%)	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1,2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%
Proposed Financing	WQB Grant WQB Loan	USDA Loan	USDA Grant			Sewer Revenue Projections	S		Year (2013 (2014 (2015 0	2016 (2017 (2018 (2019 (2020		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034

SPECIAL CONDITIONS:

Coalville City must perticipate annually in the Municipal Wastewater Planning Program (MWPP)

Coalville City must establish a depreciation reserve fund and fully fund depreciation annually for the term of the bond, insofar as it is affordable, as determined by raising rates annually up to the maximum affordable limit (1.4% MAGI) as necessary to fund depreciation.

This authorization replaces all prior authorizations, pays off the outstanding 2001 sewer bond and requires repayment of all outstanding advances at loan closing.

Project Number	
•	

Date Received: _

January 25, 2011

Date to be presented to the WQB:____

April 6, 2011

WATER QUALITY BOARD REQUEST FOR HARDSHIP GRANT FUND RESERVE AUTHORIZATION

APPLICANT:

Coalville City

10 North Main PO Box 188 Coalville, Utah 84017 Telephone: 435-336-5981

PRESIDING OFFICIAL/CONTACT:

Mayor Duane Schmidt 10 North Main PO Box 188 Coalville, Utah 84017 Telephone: 435-336-5981

TREASURER:

Chantel Pace, City Recorder 10 North Main PO Box 188 Coalville, Utah 84017 Telephone: 435-336-5981

CONSULTING ENGINEER:

Trevor Lindley, Project Engineer

J-U-B Engineers Inc. 466 North 900 West Kaysville, Utah 84037 Telephone: 801-544-0393

CITY ATTORNEY:

Sheldon Smith, Sheldon Smith & Associates

PO Box 972

Coalville, Utah 84017 Telephone: 435-336-1200

BOND COUNSEL:

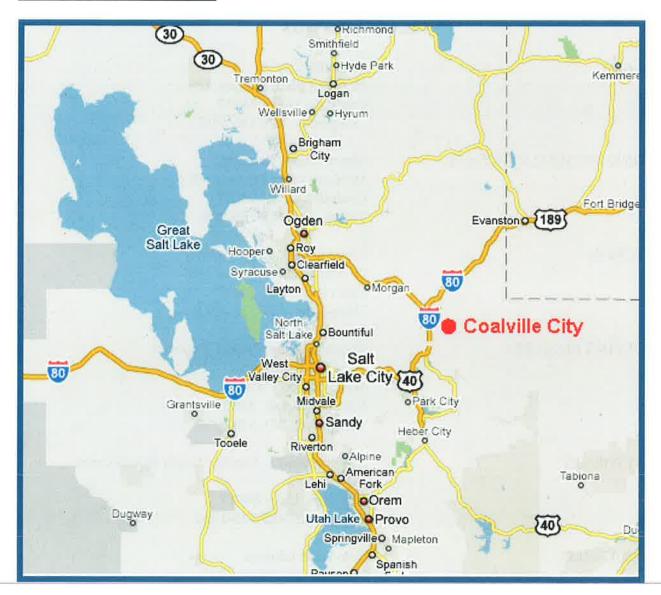
Eric Todd Johnson

Blaisdell and Church P.C. 5995 S. Redwood Rd. Taylorsville, UT 84123 Telephone: 801-521-7620

APPLICANT'S REQUEST:

Coalville City is requesting financial assistance in the amount of a \$6,834,000 grant and \$2,650,000 loan at an interest rate of 0.0% repayable over 20 years for the construction of a new wastewater treatment facility to replace the existing facility that must be abandoned. Coalville City is also requesting an additional Planning Advance of \$25,000 to fund the work required to prepare a Rural Development funding application package, which requires the environmental work to be completed at the time of application.

APPLICANT'S LOCATION



PROJECT NEED

Coalville City's aged wastewater treatment facility currently resides on property leased from the United States Bureau of Reclamation (BOR) under a 50 year lease agreement set to expire in October 2014. The BOR is unwilling to extend the lease under terms that Coalville considers reasonable, forcing the City to relocate its wastewater treatment facilities in their entirety.

Coalville City Introduction April 6, 2011 Page 3

UPDATES SINCE THE INTRODUCTION ON FEBRUARY 23, 2011

Walt Baker will meet with Curtis Pledger of the Bureau of Reclamation on March 23rd at Coalville City to discuss what options are available that will allow the City to maintain the treatment plant at the existing site.

UPDATES SINCE THE HARDSHIP PLANNING ADVANCE ON JUNE 20, 2008

On June 20, 2008, the City of Coalville came to the Water Quality Board for a planning advance to help cover the costs associated with conducting a land transfer with BOR. As stated earlier, the wastewater treatment plant for the City of Coalville resides on land that is owned by the BOR and was leased back on a 50 year lease that comes due October 2014.

The City was under the early impression (based on Facility Planning funded by the City and conducted in 2006-2007) that the BOR was quite amenable to this transfer and all of the early meetings seemed to confirm this. From July 2008 until September 2009 the City and JUB and BOR staff were working towards this property transfer and working on all the required documents, one being the Emergency Response Plan. However, when the BOR Area Manager became involved in September 2009, the process began to stall.

The Area Manager of the BOR became adamant that an extensive berm surrounding the treatment facility would be required as part of the Emergency Response Plan prior to any sale or renewal of a lease. Design criteria described by the BOR required that the top of the berm match the crest of the dam; the berm have a keyway trench in the bottom extending approximately 5 feet below the native ground with an impervious material to block potential contamination; the berm be reinforced on the reservoir side in order to prevent erosion; and the berm have a crest width of approximately 10 feet with sides slopes of 1:1.

This would result in a berm surrounding the treatment plant approximately 7 feet higher than the treatment plant floor and 10 or more feet high above the nearby floor of the reservoir (immediately outside the lease area limits of the treatment plant). This is nearly five times greater than that necessary to contain emergency wastewater overflows. The BOR felt this could easily be accomplished for \$75,000. However, JUB's estimate was more in line with \$550,000. In addition the BOR has no interest in selling or leasing any additional land which would dramatically reduce treatment options for the City at the existing site.

The City and JUB and DWQ attended a meeting with Brad Shafer, Senior Advisor in Senator Bennett's office, to discuss these problems with BOR and the precarious situation it was putting the City in. Mr. Shafer called the BOR to intervene on the City's behalf and expressed his concerns, to no avail. The criticality of the schedule was discussed and the possibility of receiving 595 appropriations funding was broached.

The City has received a letter from BOR dated May 10, 2010 stating that if they found the BOR response to the City's request not to construct a berm unacceptable then "we encourage you to pursue constructing a new facility on non-federal lands" (copy of Letter in Appendix B). At this point the City isn't left with many options and has aggressively begun the process of trying to fund and construct a new facility within a very short and strict timeline.

Since that time, the City was awarded the 595 grant in the amount of \$5,000,000 (see copy of Signed Agreement in Appendix E). However, the 595 grant was withdrawn in December (see copy of Program

Coalville City Introduction April 6, 2011 Page 4

Manager Letter in Appendix D).

The City's wastewater treatment facility is an award winning facility that, despite the aging infrastructure, has consistently discharged high quality effluent to Chalk Creek. Chalk Creek drains into Echo Reservoir that has a state beneficial use classification that includes culinary water. This facility has been permitted since the 1970's and has never violated its UPDES permit, which is a major accomplishment.

PROJECT DESCRIPTION:

The preferred alternative, given the situation as it stands, is to construct a new wastewater treatment plant on non-federal lands located slightly south of the existing plant. The treatment plant technology selected is a conventional activated sludge plant with biological nutrient removal, site master planning for tertiary filtration, and residuals holding and dewatering at the site. The project also includes repair and upgrade of an existing lift station. The City plans on maintaining the same discharge point which is made possible by the City's long-term agreement with the historic rail trail and the easements that have been negotiated.

POSITION ON PROJECT PRIORITY LIST:

Coalville is currently ranked 2nd of 25 on the Project Priority List.

POPULATION

Source Governor's Office of Planning and Budget 2008 estimates:

Population and Connection Projections

Year	Residents	Total Sewer ERUs ¹
2010	1,591	734
2020	1,944	834
2030	2,417	1,002

¹ Includes residential and non-residential ERU's

CURRENT USER CHARGE:

Coalville recently revised their sewer ordinance to raise sewer rates from \$28 to \$32 for a typical residence, and they also implemented an automatic increase to \$36/month in January 2012 and \$40/month in January 2013. The current rates are:

Residential \$32.00 per month

Commercial: \$32.00 per month plus \$2.29 per 1,000 gallons over 8,500 gallons

RV Parks: \$12.00 per space, plus usage at \$2.29 per 1,000 gallon

Impact Fee: \$3,330.57

IMPLEMENTATION SCHEDULE:

Introduction to WQB for Funding: February 23, 2011 WQB Funding Authorization: April 6, 2011 Final Public Hearings: May 2011 Advertise EA (FONSI): June 2011 Facility Plan Approval: July 2011 Commence Design: October 2011 July 2012 Issue Construction Permit: Advertise for Bids: August 2012 October 2012 Bid Opening: Loan Closing: November 2012 Commence Construction: January 2013 Complete Construction: October 2014

COST ESTIMATE:

Legal and Bonding	\$ 28,000
DWQ Loan Origination Fee (1%)	\$ 27,000
Engineering - Design	\$ 684,000
Engineering - CMS	\$ 684,000
Property & Easements	\$ 350,000
Construction	\$ 6,370,000
Contingency	\$ 1,047,000
Refund 2001 Bond and DWQ Planning Advance	\$ 294,000
Total	\$ 9,484,000

ESTIMATED ANNUAL COST FOR SEWER SERVICE:

Operation & Maintenance - Annual	\$239,000
WQB Debt Service (0%; 20 yrs)	\$132,500
Existing Debt Service (to be refinanced)	\$0
WQB Required Reserves (1½ pmt/6 yrs)	\$33,125
Coalville City MAGI (2009)	\$39,300
Monthly Cost / ERU at 1.4% MAGI	\$45.85

STAFF COMMENTS AND RECOMMENDATION:

Staff will be meeting with Walt Baker and Curtis Pledger (Bureau of Reclamation) in Coalville on March 23, 2011. Staff Recommendations will be made at the Board meeting based on the outcome of this meeting. However, a project will likely be needed regardless of the outcome of this meeting and Staff is recommending that Coalville pursue matching funding from Rural Development as shown on the attached Cost Model. Staff recommends that the Board authorize a loan in the amount of \$1,650,000 at 0% interest

Coalville City Introduction April 6, 2011 Page 6

and grant in the amount of \$3,092,000 as well as an additional \$25,000 planning advance for Coalville to complete the funding application for Rural Development.

SPECIAL CONDITIONS:

- 1. Coalville City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
- 2. As a part of the facility planning, Coalville City must complete a Water Conservation and Management Plan.
- 3. Coalville is responsible for securing the balance of funding needed for this project.

N:\Lcnelson\0-Projects\Coalville\Coalville Feasibility Report Grant Reserve 02-23-2011.doc File: Coalville/Planning/Section 1



GREG BELL
Lieutenant Governor

Department of Environmental Quality

Amanda Smith Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director

MEMORANDUM

TO:

Utah Water Quality Board

THROUGH:

Walter L. Baker, P.E.,

Executive Secretary

FROM:

Donald Hall, AFO/CAFO Program Coordinator,

Carl Adams, Manager TMDL Section

DATE:

August 20, 2013

SUBJECT:

Funding Request for Utah Farm Bureau for Reasonable Measures

Implementation Assistance at Animal Feeding Operations

The Division of Water Quality hereby requests funding, in the amount \$42,600, for AFO compliance assistance work through the Utah Farm Bureau.

Background

The Utah Strategy (Strategy) is a cooperative agreement between agricultural agencies, animal producer groups, and the Division of Water Quality (DWQ). Since 2000, the Strategy has driven water quality-related compliance and technical assistance efforts for animal feeding operations (AFOs) in Utah. DWQ supports the Strategy and its cooperative approach to provide compliance assistance to AFOs and to minimize contamination of surface waters from animal production sources.

Need

Due to recent changes in Utah statute and Division of Water Quality administrative code, there is a need to change the focus of the AFO assistance work through the Strategy. The new state CAFO Rule (R317-8-10) provides for a penalty exemption for AFOs that have an agriculture discharge if they have followed the "reasonable measures" outlined in the new rule. DWQ desires to assist AFOs in implementation of reasonable measures so that AFOs will improve their wastehandling capabilities and thus improve protection of the State's surface water. Reasonable measures are best management practices, Natural Resource Conservation Service (NRCS) standard practices, and establishing and implementing nutrient management plan criteria. When implemented, reasonable measures not only improve waste and nutrient management at AFOs, but also allows for a penalty exemption for those AFOs with an agriculture discharge.



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Work

DWQ has worked with Utah Farm Bureau to develop a workplan which will assist AFOs in achieving reasonable measures. If the funding for the AFO compliance assistance work is approved by the Board, a workplan will be implemented by Utah Farm Bureau to assist AFOs in meeting their reasonable measures. This will be accomplished through education, helping AFO producers in identifying the NRCS practices applicable at their facility and then assist the producer in compliance to those practices.

Funding and Contract

Staff recommends the Board authorize a grant in the amount of \$42,600 to be directed for Utah Farm Bureau AFO compliance assistance work. If funding is approved, any contract would cover compliance assistance work from September 1, 2013 through December 31, 2014. DWQ believes this funding request and subsequent workplan implementation by Utah Farm Bureau will help reduce contamination of Utah's waters from animal feeding operations. Under any contract, Utah Farm Bureau will be reimbursed for only actual labor and other contract-approved costs incurred during implementation of the workplan.



GREG BELL Lieutenant Governor

Department of **Environmental Quality**

Amanda Smith Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director

MEMORANDUM

TO:

Utah Water Ouality Board

THROUGH: Walter L. Baker, P.E.,

Executive Secretary

FROM:

Donald Hall, AFO/CAFO Program Coordinator,

Carl Adams, Manager TMDL Section

DATE:

August 16, 2013

SUBJECT:

Funding Request for Utah Association of Conservation Districts for Nutrient

Management Plan and Reasonable Measures Implementation at Animal

Feeding Operations

The Division of Water Quality hereby requests funding, in the amount \$149,500, for AFO compliance assistance work through the Utah Association of Conservation Districts (UACD).

Background

The Utah Strategy (Strategy) is a cooperative agreement between agricultural agencies, animal producer groups, and the Division of Water Quality (DWQ). Since 2000 the Strategy has driven water quality-related compliance and technical assistance efforts for animal feeding operations (AFOs) in Utah. DWO supports the Strategy and its cooperative approach to provide compliance assistance to AFOs and to minimize contamination of surface waters from animal production sources.

Need

Due to recent changes in Utah statute and Division of Water Quality administrative code, there is a need to change the focus of the AFO assistance work through the Strategy. The new state CAFO Rule (R317-8-10) provides for a penalty exemption for AFOs that have an agriculture discharge if they have followed the "reasonable measures" outlined in the State CAFO Rule. DWO desires to assist AFOs to implement reasonable measures so that AFOs will improve their waste-handling capabilities and thus improve protection of the State's surface water. Reasonable measures are best management practices, Natural Resource Conservation Service (NRCS) standard practices, and establishing and implementing nutrient management plan criteria. When implemented, reasonable measures not only improve waste and nutrient management at AFOs, but also allows for a penalty exemption for those AFOs with an agriculture discharge. In addition, to

Page 2

a lesser degree, there is still need for nutrient management plan development, revision and implementation assistance at AFOs. New AFOs, or AFOs that to date have failed to implement their NMP need NMP assistance from UACD.

Work

DWQ has worked with UACD to develop a work plan which will assist AFOs in achieving reasonable measures and NMP implementation. If the funding for the AFO compliance assistance work is approved, the work plan will be implemented by UACD. This will be accomplished through NMP development, revision, soil and manure monitoring at AFOs near surface water, record keeping, land application education and assistance, assistance in providing runoff controls and proper waste containment and management, assistance in proper mortality management, etc.

Funding and Contract

Staff recommends the Board authorize a grant in the amount of \$149,500 to be directed for UACD AFO compliance assistance work. If funding is approved, any contract would cover compliance assistance work from September 1, 2013 through December 31, 2014 (contingent upon approval of the work plan and contract by DWQ). DWQ believes this funding request and subsequent work plan implementation by UACD will help reduce contamination of Utah's waters from animal feeding operations. Under any contract, UACD will be reimbursed for only actual labor and lab fees associated with soil and manure monitoring.



GARY R. HERBERT Governor

GREG BELL Lieutenant Governor

Department of **Environmental Quality**

Amanda Smith Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director

MEMORANDUM

TO:

Utah Water Quality Board

THROUGH:

Walter L. Baker, P.E.

Director

FROM:

Judy Etherington

Wastewater Certification Program Coordinator

DATE:

August 21, 2013

SUBJECT:

Request To Adopt Amendment to R317-11, "Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems"

As a result of S.B. 21 (2012 General Session) which instituted changes in the duties and responsibilities of the Water Quality Board and the director of the Division of Water Quality, Rule R317-11 was recently subjected to intense review by the Office of the Attorney General for compliance with this bill. These proposed changes address modifications to the rule to clarify how those duties and responsibilities will now be incorporated in the Onsite Professional Certification Program. A couple of definitions were changed to synchronize them with recent proposed changes to Rule R317-4, but no other certification requirements are modified.

The amendment was published in the July 15, 2013 issue of The State Bulletin, with comments solicited through August 14, 2013. The comments received have been considered and a response drafted by DWQ staff as shown in the attached response summary.

It is recommended that the Water Quality Board adopt the attached proposed changes to Utah Administrative Code, R317-11 as published.

Attachments:

Summary of Proposed Revisions to R317-11; Comments Received with Response

Summary; & text of Revisions to Utah Administrative Code, R317-11,

"Certification Required to Design, Inspect and Maintain Underground Wastewater

Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for

Underground Wastewater Disposal Systems"

F:\ONSITE CERT\RULES\R317-11ADOPTMEMO08-21-13,DOC File: Administrative Rules /OnsiteProfessionals/ Revisions 2013

SUMMARY OF PROPOSED REVISIONS TO R317-11

The following changes are made.

- Change language to reflect the transfer of responsibility for administration of the certification program from the executive secretary to the director.
- Removed numbering of definitions in coordination with the recent proposed changes to R317-1.
- Added a definition for "Approved Training Provider" to replace the definition which limited who could provide the required training and appeared to not comply with the state purchasing requirements.
- Changed definitions for "Alternative onsite wastewater system" and "conventional system" to be the same as those proposed for the new R317-4.
- Corrections to punctuation, capitalization, and references to comply with Division of Administrative Rules guidelines.
- Changed wording to minimize unnecessary duplication of phrases that are relevant to multiple levels of certification requirements.
- Added language to include the addition of the requirement of S.B. 81 (2008 General Session) regarding citizenship or alien identification certification.
- Changed term "gross negligence" to "significant negligence" at the advice of counsel.

R317. Environmental Quality, Water Quality.

R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems.

R317-11-1. Authority, Purpose and Scope.

- 1.1. This rule describes the procedures for certification and recertification of individuals who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems as set forth in Title 19, Chapter 5, Section 121.
- 1.2. The purpose of this rule is to define the minimum requirements for those persons who design, inspect, and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems[as directed by the board] and establish methods for compliance and evaluating non-compliance.
- 1.3. These certification rules apply to any person who designs, inspects, or maintains underground wastewater disposal systems, or who conducts soil evaluations or percolation tests for underground wastewater disposal systems. Certification is required by any person who performs these activities as provided below.

R317-11-2. Definitions.

- [2.1.—]"Alternative onsite wastewater system" means [a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method which is not a conventional system; but not including a surface discharge to the waters of the state]an onsite wastewater system that is not a conventional onsite wastewater system.
- "Approved Training Provider" means a provider approved by the director for training and examinations for certification of persons who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems.

[2.2. "Board" means the Utah Water Quality Board.

- 2.3.]"Certificate" means a certificate issued by the [Executive Secretary]director stating that the recipient has met the minimum requirements to be certified as described in this rule.
- [2.4...]"Conventional system" means an onsite wastewater system [which consists]typically consisting of a building sewer, a septic tank, and an absorption system [consisting of a standard]utilizing absorption trenches, [a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit, or an]absorption beds, deep wall trenches, or seepage pits.
 - [2.5.] "Director" means the director of the Division of Water Quality.

_"Division" means the Utah Division of Water Quality.[

- 2.6. "Executive Secretary" means the Executive Secretary of the Utah Water Quality Board.]
- [2.7.] "Onsite professional" means a person who is certified at Level 1, 2, or 3 according to this rule.
- [2.8. "Training Center" means the Utah On site Wastewater Treatment Training Center which has been designated by the Executive Secretary for training and administration of examinations for certification of persons who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems.
- 2.9.]"Underground Wastewater Disposal System" means a system for underground disposal of wastewater. It usually consists of a building sewer, a septic tank, and an absorption system. It includes onsite wastewater systems and large underground wastewater disposal systems as defined in <u>Rule R317-1</u>.

R317-11-3. Classes of Certification.

- 3.1 There are three classes of onsite professional certification, Level 1 being the lowest and Level 3 being the highest:
- A. Level 1, soil evaluations and percolation testing;
- B. Level 2, design, inspection and maintenance of conventional underground wastewater disposal systems, including soil evaluations and percolation testing; and
- C. Level 3, design, inspection and maintenance of alternative or conventional underground wastewater disposal systems, including soil evaluations and percolation testing.

R317-11-4. Individuals Not Required to Obtain Certification.

- 4.1. An individual is not required to obtain certification to maintain an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual or a member of the individual's family and in which the individual or a member of the individual's family resides or an employee of the individual resides without payment of rent.
- 4.2. An uncertified individual may conduct soil evaluations or percolation tests for an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual and in which the individual resides or intends to reside, or which is intended for use by an employee of the individual without payment of rent, if the individual:
 - A. [H]has the capability of properly conducting the tests, as determined by the local health department and
 - B. [4]is supervised by a certified individual when conducting the tests.
- 4.3. A person involved in the pumping of an underground wastewater disposal system does not have to be certified under this rule, although [licensing by]notification to the local health department is required under Rule R317-550.
- 4.4. Licensed plumbers and electricians, when maintaining electrical equipment or wastewater drainage lines leading to the underground wastewater disposal systems, are not required to be certified under this rule.

4.5. Uncertified employees, subordinates or associates of a certified individual are not required to be certified under this rule when working on activities related to underground wastewater disposal systems under the supervision of a certified individual. Supervision means that a certified individual is personally responsible for the work, and reviews, corrects and approves work done by an uncertified employee, subordinate or associate. Such work must be signed by a certified individual.

R317-11-5. Qualifications for Certification.

- 5.1. [Level 1, Soil Evaluations and Percolation Testing.] In order to qualify for initial Level 1 certification, a person must:
- A. [A]attend a training course provided by [the Training Center]an approved training provider specifically for the purpose of certification at Level 1[5]; and
- B. [Đ]demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 1 training course.
- 5.2. [Level 2, Design, Inspection and Maintenance of Conventional Underground Wastewater Disposal Systems, including soil evaluations and percolation testing.]In order to qualify for initial Level 2 certification, a person must:
- A. [A]attend a training course provided by [the Training Center]an approved training provider specifically for the purpose of certification at Level 2[3];
- B. [Đ]demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 2 training course[5]; and
 - C. [B]be certified for soil evaluations and percolation testing at Level 1.
- 5.3. [Level 3, Design, Inspection and Maintenance of Alternative or Conventional Underground Wastewater Disposal Systems, including soil evaluations and percolation testing.]In order to qualify for initial Level 3 certification, a person must:
- A. [A]attend a training course provided by [the Training Center]an approved training provider specifically for the purpose of certification at Level 3[7];
- C. [B]be certified for soil evaluations and percolation testing at Level 1, and certified for design, inspection and maintenance of conventional systems at Level 2.
- 5.4. All applicants are required to take an examination, but an applicant's current licensing and experience may be substituted for attending the training courses described in Subsections R317-11-5.1.A, R317-11-5.2.A, and R317-11-5.3.A, as follows:
- A. An environmental health scientist licensed under Title 58, Chapter 20a, Environmental Health Scientist Act[, may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1, 2, or 3. In order to qualify for waiver of training,] qualifies to substitute licensure and experience for required training for a Level 1, 2 or 3 certification if the Environmental Health Scientist [must provide] provides to the [Executive Secretary] director evidence of current licensure in Utah and [2] two years experience appropriate to the class of certification requested.
- [5.5.]B. A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act[, may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1, 2, or 3. In order to qualify for waiver of training] qualifies to substitute licensure for required training for a Level 1, 2, or 3 certification if the professional engineer [must provide] provides to the [Executive Secretary] director evidence of current Utah licensure.
- [5.6.]C. A person who is a contractor licensed under Title 58, Chapter 55, Utah Construction Trades licensing Act[, may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1 or 2. In order to qualify for waiver of training] qualifies to substitute licensure and experience for required training for a Level 1 or 2 certification if the licensed contractor [must provide]provides to the director evidence of at least five years of experience installing [constructing] underground wastewater disposal systems.
- 5.[7]5. Evidence of current licensure and experience appropriate to the class of certification must be provided to the [Executive Secretary]director at the time of application for certification.
- 5.6. An applicant is also required to meet the requirements of Section 63G-12-104 regarding citizenship or alien identification certification.

R317-11-6. Application for Certification.

- 6.1. In order to become certified at any level, a person must:
- A. meet the qualifications for certification as described in Section R317-11-5[Complete the relevant training course(s) with the Training Center (See R317-11-5.4 5.6 above for alternate requirements for licensed environmental health scientists, engineers, and contractors); and
 - B. [Pass the corresponding test(s); and
- ———— C.—S]submit an application to the [Executive Secretary]director on forms approved by the [Đ]division, including citizenship or alien identification certification, along with payment of applicable fees.

R317-11-7. Training and Examinations.

Training will be provided by [the Training Center]an approved training provider. Examinations will be given at the conclusion of each training session. Training will be provided at least twice per year, but may be given more often at the discretion of the [Training Center]approved training provider.

R317-11-8. Certificates.

- 8.1. Certificates will be issued by the [Executive Secretary]director upon receipt of the completed application, required fees, and evidence that the requirements of Section R317-11-5 [above]have been met.
 - 8.2. Date of issuance of an initial certificate will be determined by the date the exam is passed.
- 8.3. Certificates will expire on December 31 of the appropriate calendar year, <u>calculated</u> in accordance with <u>Section R317-11-9</u>.

R317-11-9. Renewal of Certification.

- 9.1. Certification renewal is required every 3 years for all levels of certification.
- 9.2. [Eligibility for renewal of certificates is based on continuous certification.] A certified individual who renews a certificate in a timely manner continues to be eligible for certification without meeting new requirements unless the certification is suspended, revoked or annualled.
 - 9.3. Renewal of a certificate may be obtained [within] at any time prior to [12 months of] certificate expiration by:
 - A. [M]making application to the [Executive Secretary]director along with payment of applicable fees; and
- B. [Evidence of successfully completing the refresher course(s) as provided by the Training Center or]successfully completing the required refresher course or courses provided by an approved training provider; or
- C. providing with the application evidence of successfully completing other approved training[obtained prior to certificate expiration that is approved by the Executive Secretary].

R317-11-10. Lapsed Certifications.

- 10.1. Expired certifications may be reinstated within [6]six months after the expiration date by:
- A. [C]completing the required refresher course[(s)] or courses as provided by [the Training Center]an approved training provider, and
 - B. [S] submitting a renewal application and reinstatement fee to the $[D]\underline{d}ivision$.
 - 10.2. After the reinstatement period, initial certification requirements must be met in order to be certified.

R317-11-11. Exceptions.

The [Executive Secretary] director has authority to consider exceptions to this rule upon written request.

R317-11-12. Suspension, Revocation, or Annulment of Certification.

- 12.1. Grounds for suspending, revoking, or annulling a person's certificate may be, but are not limited to, any of the following:
 - A. [D]demonstrated disregard for the public health and safety;
 - B. [M]misrepresentation or falsification of information or reports submitted to the [D]division;
 - C. [C]cheating on a certification exam;
 - D. [F]falsely obtaining or altering a certificate; or
- E. [I]incompetence, misconduct or [gross]significant negligence in the performance of work done pursuant to the certification.
- 12.2. Disciplinary action such as suspension, revocation, or annulment of certificate by the [Executive Secretary]director may result where it is shown that the circumstances and events relative to the work done pursuant to the certification were under the individual's jurisdiction and control. Circumstances beyond the control of the individual shall not be grounds for disciplinary action.
 - 12.3. Any certificate not issued [through due process of] as specified in this rule will be annulled.
- 12.4. Recommendations may be made to the [Executive Secretary]director regarding the suspension, revocation, or annulment of a certificate. Prior to making any such recommendation, the individual shall be informed in writing of the reasons for such a recommendation. The individual shall be allowed an opportunity for an informal hearing before a review committee appointed by the [Executive Secretary]director. Any request for an informal hearing shall be made within 30 days of the date the notification is mailed.
- 12.5. Following an informal hearing, or the expiration of the period for requesting a hearing, the [Executive Secretary] director shall be notified of the final recommendation.
- 12.6. A challenge to the [Executive Secretary]director's determination may be made as provided in Rule [R317-9-3]R305-7.

R317-11-13. Certification Requirements and Effective Dates.

[After January 1, 2002, no]No person shall design, inspect, maintain, or conduct soil evaluations or percolation tests for an underground wastewater disposal system unless they hold current certification from the [Executive Secretary]director, except as exempted in Section R317-11-4.

R317-11-14. Noncompliance.

[14.1.—]Noncompliance with these [C]certification rules is a violation [ef]under Section 19-5-[121]115 [Utah Code Annotated]and may be subject to enforcement by the director.[

14.2. Cases of noncompliance with this rule shall be referred to the Executive Secretary.]

KEY: waste water, occupational licensing, certification, onsite professional Date of Enactment or Last Substantive Amendment: [June 27, 2012]2013

Notice of Continuation: June 27, 2011

Authorizing, and Implemented or Interpreted Law: 19-5-104; 19-5-106; 19-5-121

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Summary of Comments Received for R317-11 At Conclusion of Public Comment Period 8/14/2013 Prepared by David Snyder, Env. Scientist, Div. of Water Quality August 22, 2013

Comment: Comments on R317-11 Ben Witt, Alternative Onsite Solutions:

"The language all throughout this rule refers to individuals who obtain the certification as "onsite professionals". It is very concerning to me that a person with no prior experience in onsite wastewater can go through a training workshop that takes only a few days and has a 95% passing rate and then become a "certified professional". These certificates allow individuals to design septic systems and perform soils evaluations for projects up to 4,999 gallons per day e.g. schools, small communities, industrial facilities, commercial complexes. It seems to me that it would be prudent for a person to show some level of experience before allowing them to design a septic system for a small school. Nearly every professional license in the State of Utah requires a prerequisite of experience and proof of liability insurance before a person is given a professional license. The DWQ onsite certificates should have the same bar as other professional licenses.

"The recent changes to R317-4 now allow a "certified professional" to conduct soils evaluations without doing a perc test. A soils evaluation is a very subjective test, and it takes a great deal of time for an individual to be able to distinguish the subtle differences in soil types. Having participated in the stakeholders group for R-317-4 this was an item of concern for several stakeholders. Every soils expert that has voiced an opinion on this has unanimously agreed that it takes more than a couple of days in a training class to be able to perform a soils evaluation. An additional concern with this is that there is no limit on the size of project that a level 1 "certified professional" can perform a soils evaluation for. So a person having no prior experience with soils could go through the 1-2 day training, get their level 1 certificate and then sign off on the soils evaluations for a 10,000 home /50,000 gallon a day community onsite system.

"I troubleshoot failed septic systems all the time, and I frequently find failures because the soil evaluation was conducted improperly, or the system wasn't designed right. I would implore the water quality board to add the requirement of experience to R317-11-5 before giving individuals the certificate and title of "onsite professional"."

Response: Mr. Witt's comments may be summarized "There should be an additional experience requirement in the rule, besides training and testing, especially for those allowed to perform soil evaluations, before granting a certificate and title of "onsite professional". Although these comments are not pertinent to those parts of the rule that are being changed or modified, staff has responded.

The concern that those individuals performing soils examination work, including the most familiar type, percolating testing (which is still allowed in the new rule), need experience to perform them was discussed at length during work group and stake holders meetings held prior to the latest rule revision of R317-4 Onsite Wastewater Systems. In recognition of this

Summary of Comments Received for R317-11 At Conclusion of Public Comment Period 8/14/2013 Prepared by David Snyder, Env. Scientist, Div. of Water Quality August 22, 2013

important and ongoing need, DWQ met with the Training Center with this request and as a result, they have reformatted their training to put more emphasis in training and testing requirements for soils work by:

- 1) Lengthening class time
- 2) Adding more 'hands-on' training in soils
- 3) Revising exams to increase difficulty of questions in soils, and
- 4) Adding additional hands-on training of soil texturing skills and soil pit evaluation skills.

Soils work is performed by an individual certified per R317-11 and required for site feasibility on <u>all onsite wastewater system applications</u>, including the Large Underground Wastewater Systems that fall under DWQ's jurisdiction. Applications, including the soils component, are reviewed by licensed environmental scientists for accuracy, and for compliance with current state rules. If inconsistencies are discovered, the regulator asks for additional soils work, or the applicant can appeal a rejection to higher management staff. Additionally, a lab test can be performed to verify soils descriptions by actual percentage analysis.

Staff Recommendation: Experience is recognized as being important, but it is difficult to draft rules covering minimum requirements, such as where the standard should be set, who should verify that the experience meets the qualifications, how it is obtained, evaluated, and documented, and what type of experience qualifies. With recent adoption of rule R317-4, soils work and identification will continue to be somewhat important in site feasibility and design, although the new design flow requirements and drainfield sizing helps cover minor soil identification errors by having very conservative design requirements. It is hoped that the additional training emphasis on soils will be beneficial. If it is discovered that additional training is still needed, a work group will be created to address and offer corrections to this concern.

Staff feels that with the additional soils training emphasis, and the continuation of the requirement that all sites have soils reviewed by a licensed environmental scientist, the current certification requirements are adequate and no change is needed. [No change to proposed rule.]

F:\\Summary of comments received for R317-11(2).docx

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GREG BELL Lieutenant Governor

Department of **Environmental Quality**

Amanda Smith Executive Director

DIVISION OF WATER QUALITY Walter L. Baker, P.E. Director

MEMORANDUM

TO:

Water Quality Board

THROUGH: Walt Baker

FROM:

Dan Hall

DATE:

August 28, 201

SUBJECT:

Proposed Revision to Ground Water Public Notice Rule

UAC R317-6-6.5

Action Item

o Request Board approval to proceed with rulemaking for the proposed changes to R317-6-6.5.

Background

With the implementation of Permit Review Adjudicative Proceedings in Utah Code Ann. § 19-1-301.5 wherein the public comment period becomes more critical for preserving issues on appeal, requests for extensions of time for public comment are becoming more common. Staff is requesting that current language in the period for public comment provision for Notice of Intent to Issue a Ground Water Discharge Permit be amended to make clear the Director's authority to extend the public comment period beyond 30 days by adding the words "at least" to the 30 days which shall be allowed, and deleting "30day" from when action will be taken.

If approved by the Board, staff will initiate rulemaking with the Division of Administrative Rules and return to the Board with a summary of comments received, DWQ responses, and any proposed changes as part of requesting Board adoption.

ATTACHMENT 1 Mark-up of proposed change to R317-6-6.5 Utah Water Quality Board Meeting August 28, 2013

Proposed new text is underlined. Only the section that is affected by the proposed changes is included. Omitted sections are identified by [BREAK]. The complete rule is available at http://www.rules.utah.gov/publicat/code/r317/r317-006.htm

Green highlighting shows the new changes for August 28, 2013 Board meeting. Unhighlighted changes show the changes previously approved by the Board at the (month) 2013 meeting.

R317-6-6.5. Notice of Intent to Issue a Ground Water Discharge Permit

The Executive Secretary <u>Director</u> shall publish a notice of intent to approve in a newspaper in the affected area and shall allow <u>at least</u> 30 days in which interested persons may comment to the Board. Final action will be taken by the Executive Secretary-Director following the 30 day comment period.

R64 Agriculture and Food, Conservation Commission

R64-3 Utah Environmental Stewardship Certification Program (UESCP), a.k.a.

Agriculture Certificate of Environmental Stewardship (ACES).

R64-3-1 Authority and Purpose

Pursuant to Section 4-18-107, this rule establishes general operating practices and procedures for implementing the Agriculture Certificate of Environmental Stewardship (ACES).

R64-3-3 Definitions

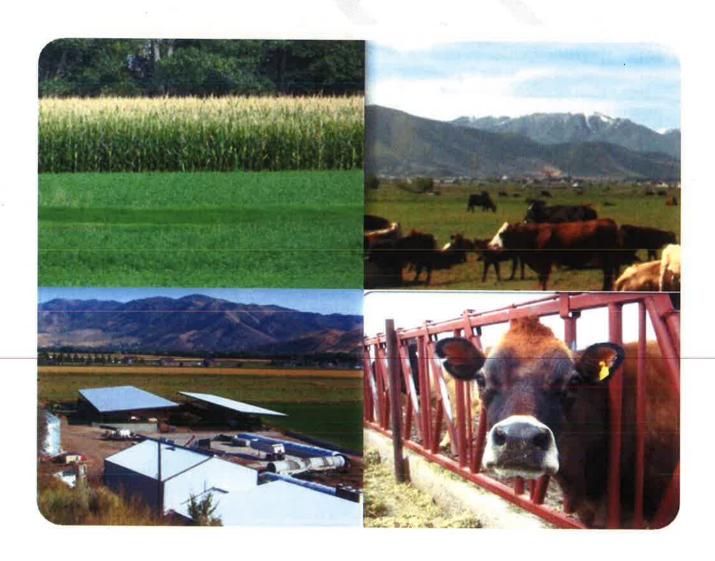
- (1) "ACES Technical Standards": Means a collection of practices adopted by the Commission that will protect the environment in a reasonable and economical manner while still protecting the sustainability of agriculture.
- (2) "ACES workbook": Means the best management practices, education requirements and information required for certification. The workbook is considered property of the owner/operator and remains in their possession. Only the Certification Forms are retained at the Department. The workbook must be retained by the owner/operator and available for review by the Department upon request.
- (3) "Agriculture Sectors": Means; a Farmstead, Animal Feeding Operation, Grazing or Pasture Operation, and Cropping System.
- (4) "Animal Feeding Operation" (AFO): means a lot or facility where the following conditions are met: animals have been, are, or will be stabled, housed, or confined and fed or maintained for a total of forty-five (45) days or more in any 12-month period; crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the storage or disposal of waste
- (5) "Best Management Practices" (BMP): Means common acceptable practices, including but not limited to management policies and the use of technology, used by sectors of agriculture in the production of food and fiber that protect and sustain natural resources.
- (6) "Certification Forms": Means contact information and sector(s) verification page(s) that are reviewed by the planner and verified by the Department.
- (7) "Certified Planner": Means a planner of a local conservation district, or other qualified planner, that has been certified by NRCS and is approved by the commission to certify an agriculture operation under the ACES program.
- (8) "Commission": means the (Utah) Conservation Commission (UCC).
- (9) "Comprehensive Nutrient Management Plan or Nutrient Management Plan" (CNMP/NMP): means a plan to properly store, handle, and spread manure and other agriculture byproducts to protect the environment and provide nutrients for the production of crops (plants).
- (10) "Cropping": is the area where crops are planted, raised, and harvested. This includes but is not limited to fruits, vegetables, grain, oil seeds and alfalfa.
- (11) "Department": means the (Utah) Department of Agriculture and Food (UDAF).
- (12) "DEQ": means the (Utah) Department of Environmental Quality.
- (13) "Education modules": Means, education materials which provide information on best management practices either in workshops and/or online at ACES site. They will inform and/or educate the producer on requirements in ACES.

- (14) "Farmstead": is considered to be the central area of operation which may include but not limited to home/office, yards, storage facilities, and other buildings.
- (15) "Grazing and Pasture": is considered to be any vegetated land that is grazed or has the potential to be grazed by animals.
- (16) "NRCS": means the Natural Resources Conservation Service.
- (17) "Review/Verification": Means an audit performed by the Department of Agriculture and Food.
- R64-3-4 Requirements and procedure to qualify for the Agriculture Certificate of Environmental Stewardship (ACES).
- (1) Owner/operator shall complete the workbook for each desired sector (farmstead, animal feeding operation, grazing and pasture, and cropping) available at the department's website.
- (2) Certified Planners shall be available from conservation districts to aid owner/operators in meeting the requirements of ACES.
- (3) Workbooks shall be reviewed and verified by a certified planner, in preparation for Commission certification.
- (4) Owner/operator shall complete education requirements prior to certification :
- (a) Either by completing workshops sponsored by ACES.
- (b) Or by completing education modules found on the department's website under the ACES program.
- (5) When an operation is certified for a given sector, the Department shall provide a certificate for that sector
- (6) After completion of all sectors the operation is involved in the Department shall provide a sign.
- (7) Owner/operator shall be charged \$100 for each sector certified in not to exceed \$250 total.
- R64-3-5 Requirements and procedures for renewing, investigation of, revoking or extending the Agriculture Certificate of Environmental Stewardship (ACES)
- (1) Prior to the five (5) year extension date, the Department shall send a certified letter to the operation. The owner/operator has 120 days to respond to the extension notice. If no response is received the operation's certification shall expire. The owner/operator shall meet all requirements of the original certification to receive the extension. Such verification shall be made by a certified planner and by the Department.
- (a) If any requirement is found in non-compliance, the certified planner shall review with the owner/operator what changes must be meet for the operation to stay certified.
- (b) The owner/operator shall have 120 days to respond to the request to maintain program certification in that sector.
- (i) If not, the sign shall be removed by the owner/operator and returned to the Department.
- (2) If the operation is certified in more than one sector only the sector in which they are in non-compliance shall the certification be revoked and the sign removed and returned to the Department.
- (3) Owner/operator may request a variance by notifying the Commission Chair, in writing, stating the reason they could not comply within the 120 days.
- (4) The Commission Chair has 30 days to respond to the request.

- (5) Prior to the ten (10) year termination date of a certificate, the Department will send a certified letter to the operation. Re-certification will require the completion of a current ACES workbook and verification.
- (6) Investigation: The department shall review any concerns brought by either DEQ, or citizen environmental complaint. If the complaint is not found to be a significant violation of the certification program then no action will be taken.
- (a) If it is determined that a significant violation has occurred.
- (i) Department shall report the operation to the Commission Chair.
- (ii) Commission chair shall then take one of the following actions:
- (A) Inform the commission.
- (B) List of corrective actions necessary to address the complaint and still maintain certification.
- (7) The Commission Chair shall then inform the operation by certified letter which action was taken.
- (8) If the certified operation does not comply within a reasonable time to rectify the concerns stated in the commission's letter.
- (i) The department shall make a report to the Commission stating reasons for non-compliance.
- (9) Commission shall review department reports and may revoke certification.
- (a) If certification is revoked the operation shall not be allowed to participate in the certification program for 2 years.
- (10) If an operation denies the department access to a site visit and/or review of records after 3 attempts (one of which is by certified letter), the Commission shall revoke the certification.
- (11) If the operation is sold and/or under new management the current certification shall be revoked and the new owner/operator will need to go thru the certification process with a current workbook.
- (12) The department shall give a yearly report on the ACES program to the Commission.







Effective: ? 2013

Utah law (Title 4 Section 18, Utah Code) requires the Conservation Commission to develop the Agriculture Certificate of Environmental Stewardship (ACES), applicable to each agricultural sector. It helps agricultural producers, of all sizes, evaluate their entire operation and make management decisions that sustain agricultural viability, protect natural resources, support environmentally responsible agricultural production practices, and promote positive public opinion. To become eligible, producers must complete three comprehensive steps: 1) document completion of education modules, 2) complete a detailed application to evaluate on-farm risk, and 3) participate in an on-farm inspection to verify program requirements applicable to state and federal environmental standards and regulations. The certification will be for a 5-year term, with renewal for an additional 5 years upon inspection.

Certified Planner

"Certified conservation planner" means a planner of a conservation district, or other qualified planner that is approved by the conservation commission to issue a Certificate of Environmental Stewardship.

Agricultural Sectors

There are four sectors which have been identified including: FARMSTEAD, ANIMAL FEEDING OPERATIONS, GRAZING, and CROPPING. Producer can request ACES for any sector or combination of sectors.

Protects Natural Resources

The ACES process ensures all participating agricultural producers are making decisions that balance production and environmental demands. Measures aimed at protecting soil, water, air, plants, animals, and other environmental factors mean ACES producers are committed to farming and ranching

practices that protect Utah's natural resources.

Viable & Sustainable Agriculture

The production of food and fiber is essential to a healthy population. ACES, is based on scientific standards that allow farmers to address environmental concerns while remaining economically viable.

Connects Farms & Public Opinion

Agriculture plays a vital role in Utah communities, and ACES strengthens the relationships between farmers and their neighbors. Producers who closely examine their operation's potential impact on soil, water, air, plants and animals understand the impact these practices can have on their neighbors.

ACES is Supported By

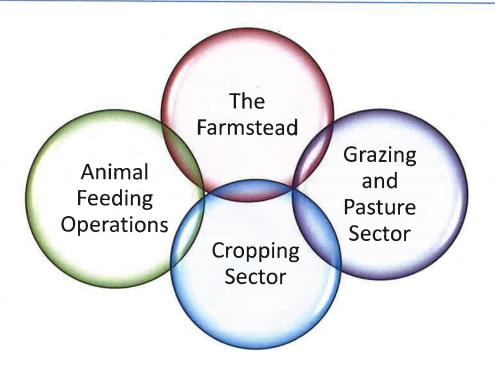
ACES, is a collaborative effort of Utah producers, Department of Agriculture and Food, Utah Conservation Commission, Farm Bureau, local Conservation Districts, Department of Environmental Quality, commodity organizations, universities, and other state and federal agencies.

Benefits of ACES

The ACES will provide an extra level of protection against frivolous complaints, and help producers market their commodities.

Expectations of ACES

- Enable producers to evaluate their agricultural practices and make necessary adjustments.
- Recognize significant conservation goals that have already been achieved.
- Adopt land use practices that maintain or improve agricultural land, while sustaining natural resources.
- Create new opportunities to use conservation for income.



The Farmstead

- Pesticide storage and handling
- Fertilizer storage and handling
- Fuel storage
- Hazardous material management
- Well head protection
- Septic system
- Invasive and noxious weeds

Animal Feeding Operations

- Nutrient Management Plan
- Manure storage and handling
- Invasive and noxious weeds
- Air quality / Odor control
- Animal health
- Recordkeeping
- Mortality disposal
- Feed management
- Pest management

Grazing and Pasture lands

- Riparian health
- Grazing rotation
- Invasive and noxious weeds
- Soil erosion
- Wildlife and Aquatic habitat
- Forest / BLM grazing allotment
- Wetland health

Cropping Sector

- Water conservation
- Irrigation water management
- Soil erosion / Dust control
- Soil health
- Invasive and noxious weeds
- Pest management
- Land application of manure
- Fertilizer application
- Wildlife habitat

EDUCATION MODULES

The education requirement is completed by the owner/manager. The purpose is to provide the owner/operator with educational materials that have been developed by experts to help owner/operator improve their agricultural productivity while protecting and improving the environment.

To complete this section, a owner/operator must present evidence to the Certified Planner that he/she has attended eligible workshop(s), and/or reviewed materials that are located on the ACES website at:

http://ag.utah.gov/divisions/conservation/stewardshipcertification/index.html.

Below is a list of education modules for each agriculture sector, for ACES certification.

Farmstead

- 1. Pesticide Training

- Fertilizer Storage and Handling
 Petroleum Storage and Handling
 Well Head and Septic Tank Maintenance
 Invasive and Noxious Weeds Management
- Safety and Critical Management

Animal Feeding Operation

- Nutrient Management Plan
- Manure Storage, Handling and Testing Methods
- 3. Invasive and Noxious Weeds Management
- 4. Animal Health and Record Keeping
- 5. Air Quality, Odor and Pest Management
- 6. Feed Storage and Handling

Grazing and Pasture Land

- 1. Riparian and Wetland Management
- 2. Grazing Management Plans
- 3. Invasive and Noxious Weeds Management
- 4. Wildlife and Aquatic Habitat Management
- 5. Erosion and Water Management

Cropping Sector

- Invasive and Noxious Weeds Management
- Water Conversion and Irrigation Management
- 3. Pesticide Training,
- 4. Integrated Pest Management
- Wildlife and Aquatic Habitat Management
- Soil Health and Management
- Fertilizer Application and Soil Testing



In accordance with the Federal Privacy Act, this workbook is the property of the owner/operator. It must be retained by the owner/operator and available for review by the certified planner.

The farmstead is considered to be the central area of operation including homes/office, yards, storage facilities, and other buildings.

Questions in red determine if that section needs to be completed, questions in blue must be initialed by owner/operator and certified planner to qualify for certification in this sector, and questions in black are for producers information.

	farmstead area? If No, then stop and go to another Agriculture Sector.	First column owner/ operator initial, second column certified planner initial, and last column is for the five year renewal, certified planner and owner/operator initial. Initialing indicates implementation of the practice.				
2	Does the Farmstead have an Emergency Plan?)	A Farmstead should have a list of people to contact in case an emergency should occur. Certified Planner will provide a template to be filled out by the Producer.			
3	All Farmsteads should have an "emergency" spill kit in the event of any accidental spill of any		Refer to the ACES website for information about a			
	hazardous materials that could contaminate the environment.		"spill kit".			
4	Are noxious or invasive weeds listed by the state or county properly controlled?		Producer should be aware of local ordinances that pertain to weed control. Review UCC Practice Standard 315, "Herbaceous Weed Control".			

	Do you store, handle, or apply any restricted use pesticides?	If No, then go to th "Fertilizer Storage a Handling" section.	
2	Do you have a current pesticide applicator's license from the State of Utah?	UDAF Rule 68-7 License No. Expiration Date:	
3	Do you understand the requirements for proper transportation of Pesticides?	UDAF Rule 68-7-13 Transportation, Sto Handling, Using, ar	rage,
4	Are pesticides stored in the manufactures original containers with labels intact?	Disposal of Pesticion Pesticide Containe	
5	Do pesticide storage, handling, and mixing areas adequately prevent contamination of waters of the state?	The Certified Plann review UDAF R68-7 the Farmstead owner/operator to	7 <u>-13</u> with
6	Are pesticides securely stored to prevent unauthorized access?	they properly unde the laws for transp storage, handling,	ortation,
7	Do the secured pesticide storage areas have proper signage?	disposal of pesticion containers, and fol product labels.	
8	Are empty pesticides containers triple rinsed, or are label approved cleaning techniques used?		
9	Is the rinse water from the spray equipment properly applied to the farm according to label requirements?		
10	Are backflow devices or an air gap used to prevent cross connections and back siphoning?	UDAF Rule 68-7-13 Adequate function devices and proced prevent back sipho be used.	ing dures to
11	Are pesticide handlers and workers properly trained?	Pages 21-23 of EPA to Comply with the Protection Standa Agricultural Pestic explains the rule.	e Worker rd for

	Agriculture Certificate of Environ	nment	ai Ste	wardship	
	FERTILIZER STORAGE	AN	DH	HANDLING	
1	Do you store commercial fertilizer for private use?			If No, then go to the Petroleum Storage and Handling section.	
2	Does the commercial fertilizer storage and handling area adequately prevent contamination of waters of the state?			All fertilizer must be contained on-site. No fertilizers should runoff from the storage and handling area into any waters of the state.	
	PETROLEUM PRODUCT STO	DRA	GE	AND HANDLING	
1	Do you store petroleum products at the farmstead? If No, then go to the "Septic System" section.				
2	Is there above ground storage of 1,320 gallons or more and below ground storage of 42,000 or more of petroleum product? Describe your above ground storage facilities. Number of tanks: Size of tanks:			The Spill Prevention, Containment, and Countermeasure Plan (SPCC) (40 CFR 280-10) will be reviewed by the Certified Planner.	
3	Is there below ground storage of 1,100 gallons or more of petroleum product? Describe your below ground storage facilities. Number of tanks: Size of tanks:		E	A Leakage Detection Program may be required. Provide a copy of the provisions of the Underground Storage Tank (UST) provisions to the Certified Planner for review (40 CFR 280-20).	
4	Does the petroleum product storage and handling area adequately prevent contamination of waters of the state?			Utah code 19-5-107-1a: It is unlawful for any person to discharge a pollutant into waters of the state.	
5	Do you produce more than 25 gallons per month or store used oil? And is it properly labeled as "used oil"?			Utah code <u>19-6-706</u> , rule <u>315-15-2.3</u> : Used oil has to be labeled as "Used Oil".	
6	Is there any evidence of a petroleum spill (more than 25 gallons)?			Federal Rule 40 CFR 280.53 A spill of more than 25 gallons must be reported within 24 hours (801-536- 4123).	

	SEPTIC SY	STE	M		
1	Do you utilize on-site/septic disposal systems to treat sewage from home and/or barn?			All systems should be listed with the local Health Department and comply	
2	Does the on-site/septic system function as designed by the local Health Department?			with local code.	
3	Do you know the access point of the on-site/Septic Tank(s)?			To properly maintain the septic tank, it is required to know the access point.	
4	When was the last time the on-site/septic system serviced?1 - 5 years6 - 10 years10 years or more		N. Control of the con	Septic tanks should be serviced on a regular basis to help maintain their useful life and to prevent contamination of the environment.	





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Animal Feeding Operation (AFO) means a lot or facility where the following conditions are met:

Animals have been, are, or will be stabled, housed, or confined and fed or maintained for a total of forty-five (45) days or more in any 12-month period;

- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and
- Two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the storage or disposal of waste.

Questions in red determine if that section needs to be completed, questions in blue must be initialed by owner/operator and certified planner to qualify for certification in this sector, and questions in black are for producer's information.

-		
1	By definition, is this facility an Animal	First column owner/ operator initial, second
1		
	Feeding Operation?	column planner initial, and last two columns or for
	If No, then stop here and go to another	the five year renewal, planner and
	Agricultural Sector	owner/operator initial. Initialing indicates
		implementation of the practice.

LARGE CAFO'S AND MEDIUM AFO'S DESIGNATED AS CAFO'S WITH UPDES PERMIT

1	Are you a large CAFO with an UPDES permit from the Utah Department of Environmental Quality? Type and size of CAFO: Dairy: Beef: Turkey: Chicken Layers: Pork: Horses: Sheep: Other: Other: Number of Days the animals are confined during the year:	If Yes, then the permit must be reviewed by the Certified Planner, and all conditions of the permit must be followed. You are required to have a current Nutrient Management Plan (NMP) on file. The Certified Planner must review the NMP with the CAFO owner/operator. All requirements in the NMP must be met to qualify for the ACES Animal Feed Operation agricultural sector. Records that are	**
2	Are the conditions of the UPDES permit being followed?	a requirement of the NMP must be reviewed by the Certified Planner.	
3	Is the NMP being followed?	The Certified Planner will contact the Division of Water Quality to verify permit compliance.	
4	Name and Contact information of the Certified Planner who approved the NMP.		

LARGE CAFO'S AND MEDIUM AND SMALL AFO'S WITHOUT UPDES PERMIT

1	Are you a large CAFO, medium, or small AFO, and		
	have opted to not have an UPDES permit from the		
	Utah Department of Environmental Quality?		
	Type and size of AFO: Dairy: Beef: Turkey: Chicken Layers: Pork: Horses: Sheep: Other: Number of Days the animals are confined during		71
	the year:		
	the year.		
	APPEN N APPEN		
2	Have you implemented your Nutrient Management	A Nutrient Management	
	Plan (NMP) and does it meet 40 CFR122.42€(1)(i)-	Plan must be on file and	
	(viii) and R317-8-10.9?	written and reviewed by	
3	Do you have a current Nutrient Management Plan	the Certified Planner.	
	(NMP) for storage, handling, transport, and	Review UCC Practice	
	application of manure?	Standard 590 "Nutrient	
		Management"	
4	Are the management practices in the nutrient	1	
	management documents being followed?		
5	Is the operation and facilities designed, operated	Utah Code 19-5-102-1	
	and maintained so no agriculture water discharge	Definition of an	
	may occur from any of the manure storage	"Agriculture Discharge"	
	facilities, or animals housing and feeding areas, or	The Certified Planner will	
	processing facilities? (For AFO's this does not	inspect to see if the	
	include; driveways, feed storage, and areas where	manure storage facilities	
	animals are not generally present.)	and other areas and or	
6	Are the manure storage facilities maintained in	management practices	
	good working condition to handle a large weather	are being followed to	
	event? Which is a 100-year, 24-hour storm event	prevent an "Agriculture	
	for swine, poultry, or veal or for all other animals it	Discharge".	
	is a 25-year, 24-hour storm event.		

7	Are management practices such as berms, fences, vegetative buffers, watering troughs, etc. constructed and maintained to prevent an Agriculture Discharge?	An Agriculture Discharge should be reported to the Utah Department of Agriculture and Food within 24 hours of the
8	Are operation and facilities general areas designed to prevent comingling of water between that area and the manure storage facilities, or animals housing and feeding areas, or processing facilities and to prevent an agriculture discharge?	discharge.
9	Are dead animals disposed of according to the nutrient management plan and or best management practices being followed to protect the waters of the state.	Treatment or disposal of livestock and poultry mortality shall be according to State and Local Laws
10	Are manure records maintained on-site and available for review?	Manure test should be taken at least yearly and records must be maintained on site for a period of at least 5 years.
11	Are noxious or invasive weeds listed by the state or county properly controlled?	Producer should be aware of local ordinances that pertain to weed control. Review UCC Practice Standard 315, "Herbaceous Weed Control".



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Cropping is the area where crops are planted, raised, and harvested. This includes but is not limited to fruits, vegetables, grain, oil seeds and alfalfa.

Questions in red determine if that section needs to be completed, questions in blue must be initialed by owner/operator and certified planner to qualify for certification in this sector, and questions in black are for owner/operator information.

1	By definition, does this farm or ranch include Cropping Systems? If No, then stop here and go to another Agriculture Sector.	First column owner/ operator initial, second column planner initial, and last column is for the five year renewal, planner and owner/operator initial Initialing indicates implementation of the practice.			
2	What crops do you usually grow? Small grains (e.g. barley, wheat, oats) Corn Alfalfa Pasture for hay Canola Safflower Berries Orchard Row Crops Other			,	
3	Are noxious or invasive weeds listed by the state or county properly controlled?			Producer should be aware of local ordinances that pertain to weed control. Review UCC Practice Standard 315, "Herbaceous Weed Control".	

	Agriculture Certificate of Environmental Stewar	dship
	SOIL HEALTH	
1	Have you identified environmentally sensitive areas in your cropping systems that are located near surface water, highly erodible land, soils with high leaching or runoff potential, or other concerns that require additional management when applying nutrients or pesticides?	Certified planner will review all concerns and document what management practices or/will be implemented.
2	Are practices in place to improve or maintain soil health?	Certified Planner should review NRCS's soil health index with the producer.
	FERTILIZER APPLICATION	
1	Do you apply commercial fertilizer to your cropping system?	Do you follow manufactures recommendations?
2	If you apply manure to your cropping system that is from an animal feeding operation, is it according to soil and manure tests based on farm yield goals or average crop yields?	Records should be kept on crop production yields for proper fertilizer
3	Is fertilizer application based on soil test recommendations and on farm yield goals or average crop yields?	application.
4	Do you regularly perform soil testing for nutrient levels in each field? Every year for annual crops. Once every 3 years for perennials.	It is recommended that soil test be kept for at least 5 years to help tract nutrient trends in
5	Are records of soil test reports and quantities of nutrients applied to individual fields maintained? Also, are crop yields recorded for evaluating performance?	the soil.
6	Is fertilizer application equipment checked for proper calibration?	Manure application equipment should be calibrated to ensure proper application of nutrients.
7	Do you test manure for nutrient content?	Manure test should be taken at least yearly for each species produced and records kept for 5 years.

	Agriculture Certificate of Environment	tar Stewardship
8	Do you spread manure during the winter?	Producers should follow UCC Practice Standard 590, "Nutrient Management".
9	There is no evidence of applied fertilizer or manure resulting in an Agriculture Discharge?	Utah Code <u>19-5-</u> <u>102-1</u> Definition of an" Agriculture Discharge"
	PESTICIDE APPLICAT	TION
1	Do you have a Utah Pesticide Applicators License?	UDAF Rule 68-7 License No. Expiration Date:
2	Do you and your employees follow the pesticide label for safety and application rates?	UDAF Rule 68-7-13 Transportation, Storage, Handling, Using, and Disposal of Pesticides and Pesticide Containers. The Certified Planner must review UDAF Rule 68-7-13 with the Farmstead Owner to assure they properly understand the laws for transportation, storage, handling, and disposal of pesticides and containers and
3	Do you utilize the win-pest model or a similar tool to	follow product label. Review UCC Practice
	protect waters of the state?	Standard 595 "Integrated Pest Management".
4	Is pesticide application equipment correctly calibrated and maintained so that the intended pesticide rate is applied?	Equipment should be inspected before each use to ensure equipment is functioning correctly.

5	Are pesticide application records kept for at least 2 years?		1990 Farm Bill requires Federally restricted use pesticide applications records be kept for a period of 2 years. A pesticide record book should be used?	
	IRRIGATION WATER MANA	GEM	ENT	
1	What method or irrigation do you use? Flood irrigation — land leveled Flood irrigation — wild flood Gated pipe Sprinkler irrigation / pivot Drip system Other		Certified Planner may suggest operation review UCC Practice Standard 449 "Irrigation Water Management" to determine if there are any water conversion practices which could benefit the operation.	
2	Do you have an Irrigation Water Management Plan (IWM)		Review UCC Practice Standard 449, "Irrigation Water Management".	
3	Is irrigation runoff managed to prevent an Agriculture Discharge?		Utah Code <u>19-5-</u> <u>102-1</u> Definition of an "Agriculture Discharge"	
	WILDLIFE HABITAT AND	FISH	HERY	
1	Do you provide habitat for wildlife on your cropping system?		Records should be kept of all Wildlife using your Agriculture resources.	
2	Are wildlife responsible for adverse impacts on any of the cropping systems that you own or operate? Describe adverse impacts:		Mitigation funds may be available thru DWR to help offset loses if proper records are kept.	



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Grazing land is considered to be any vegetated land that is grazed or has the potential to be grazed by animals.

As a guideline, lands that are grazed during the growing season will be based on the Utah Grazing Improvement Program (UGIP) Technical Committee grazing principles of "Time", Timing" and "Intensity". For grazing during plant dormancy, the management principle will be based on a grazing management plan.

Questions in red determine if that section needs to be completed, questions in blue must be initialed by owner/operator and certified planner to qualify for certification in this sector, and questions in black are for producer's information.

1	By definition, does this farm or ranch include livestock grazing? If No then stop here and go to another sector.	First column owner/ operator initial, second column certified planner initial, and last column is for the five year renewal, certified planner and owner/operator			
		initial. Initialing indicates implementation			
		of the practice.			
2	Are noxious or invasive weeds listed by the state or			Producer should be	
	county properly controlled?			aware of local ordinances	
				that pertain to weed	
				control. Review UCC	
				Practice Standard 315,	
				"Herbaceous Weed	
	n			Control".	

	PRIVATELY OWENED	GF	RAZ	ING LAND	
1	Number of acres of irrigated pasture or sub- irrigated pasture (wet meadows)			Grazing plans need to follow the states Grazing Improvement Program (GIP) Technical Committee Principles	
2	Number of acres/ feet of riparian area within pasture or range land:			which are Time of grazing, Timing of grazing, and Intensity of grazing, and will be reviewed by the certified planner.	
3	Number of acres of upland pasture:				
4	What percent of the upland pasture is native species? What percent of the upland pasture is re-vegetated species?				
5	Do you have a Conservation/Grazing Management Plan?				
6	When was the grazing plan written?		1900		
7	Do you keep accurate records of animal days for each pasture?				
8	Does the Conservation/Grazing Management Plan and practices prevent significant adverse impact on the waters of the state?			Consider the impact of soil erosion, water quality, fish and wildlife, riparian health and	
9	Does the Conservation/Grazing Management Plan and practices protect the riparian, soil and critical wildlife habitat health in your pastures?			productivity, etc. If adequate protection does not exist a conservation improvement plan needs to be implemented to meet this objective.	
	PUBLIC GRAZED R	AN	GEI	LAND	
1	Number of AUM's on Bureau Land Management (BLM) land: Type of animals:			Grazing plans need to follow the states Grazing	
2	Do you have an Allotment Management Plan (AMP)? When is your AMP/permit up for review?			Improvement Program (GIP) Technical Committee Principles, which are Time of	
3	Did you participate in putting the AMP together?		3	grazing, Timing of grazing, and Intensity of	

4	Agriculture Certificate of Environ Number of AMUs on Forest Service (FS) Land:		grazing and will be	
	Type of animals:		reviewed by the certified	
5	Do you have an Allotment Management Plan (AMP)? When is your AMP/permit up for review?		planner.	
6	Did you participate in putting the AMP together?			
7	Number of AUM's in National Parks (NP)or National Monuments (NM): Type of animals:			
8	Do you have an Allotment Management Plan (AMP)? When is your AMP/permit up for review?	4		
9	Did you participate in putting the AMP together?			
10	Are you managing your grazing practices to be in compliance with the Allotment Management Plan?		Grazing plans need to follow the states Grazing Improvement Program (GIP) Technical Committee Principles	
11	Are you implementing time, timing, and intensity of grazing principles as outlined in the Grazing Improvement Program to the extent that is allowed by your Allotment Management Plan(s)?		which are Time of grazing, Timing of grazing, and Intensity of grazing, and will be	
12	Are you implementing grazing practices to protect the riparian, soil and critical wildlife habitat health in your allotment(s)? If not, is it a problem with the land agency support or flexibility necessary in the Allotment Management Plans?		reviewed by the certified planner. Certified Planner will evaluate riparian, soil and wildlife habitat.	
13	If threatened or endanger species exist on your land. Are efforts being made to promote the survival and protection for these species?		Certifier Planner should review the list of threatened or endangered species known to be in the area.	

Certification is for five years, an owner/operator may renew certification for additional five years totaling a period of ten years, before an owner/operator needs to recertify.

An owner/operator may apply for protection under Permit by Rule (PBR) from the Division of Water Quality by filling out the back page in this workbook and sending it to the Division of Water Quality.



This assessment is voluntary and must be completed and signed by an approved certified planner and the owner/operator. The workbook is the property of the owner/operator and is to be retained for review by the owner/operator and certified planner. Please complete contact information below.

Please complete the following information:

Name of Landowner:	-	- ATO - AD		
Name of Land Manager:				
Business or Firm Name:		0 0		
Mailing Address:	A TO			
City:	State:	County:	Zip:	
Phone Numbers: Home:		Business:	Cell:	
Email Address:	100			



I certify that the information provided in this workbook, is true and accurate to the best of my knowledge.

Owner/Operator	Date
Certified Conservation Planner	Date
Third Party Verification	Date

Approved for Certification

Utah Conservation Commission – Chairman, Leonard Blackham	Date



This agriculture operation has completed the ACES workbook and is requesting protection under the Permit by Rule (PBR) from the division of water quality. I certify that the information provided in this workbook, is true and accurate to the best of my knowledge.

Owner/Operator				2		Date
Name of Landowner:			* *	8.0		
Name of Land Manager:						
Business or Firm Name:						
Mailing Address:		М,				
City:	State:		County	<u> </u>	Zip:	
Phone Numbers: Home:		B	usiness:		Cell:	
Email Address:						

Remove this page and send it to

Division of Water Quality, attn: Don Hall

195 North 1950 West

P.O. Box 144870

Salt Lake City, Utah, 84114-4870

or e-mail it to dghall@utah.gov

Conservationists blast water district

Written by David DeMille Jul. 30, 2013 |

thespectrum.com



Jeremy Aguero, principal analyst with Applied Analytics, gives a presentation of his findings on Washington County's water economics during a Chamber of Commerce luncheon in early July. / Trevor Christensen / The Spectrum & Daily News are posted at

Powell Pipeline alternatives meeting

At an Aug. 15 meeting of the Washington County Water Conservancy District's board of directors, the Community Integrated Planning Advisory Committee, Amelia Nuding, water-energy analyst with Western Resource Advocates, will present her proposal for a conservation-based alternative to the Lake Powell Pipeline. The meeting is scheduled for 4 p.m. to 6 p.m. at the district offices, 533 E. Water Works Drive in St. George. Agendas, a list of committee members and other information on the CIRPAC are posted at

www.wcwcd.org/information/cirpac/agendas. For information on Nuding's Local Waters Alternative to the Lake Powell Pipeline report, visit www.westernresourceadvocates.org/water/powell.php.

ST. GEORGE — State and local water managers, under scrutiny from groups opposed to the Lake Powell Pipeline, have upped their efforts to engage the public about the project and combat what they say is misinformation being spread by groups opposed to growth.

But the increased time and money being spent has environmental groups balking at what they are calling a publicly funded marketing effort meant to promote the controversial project.

As they've poured over contracts and associated documents, environmental advocates fighting to stop the pipeline from being built say they have identified more than \$200,000 being spent on what they argue is propaganda about the pipeline.

The Washington County Water Conservancy District has upped its budget for public education from \$110,000 last year to \$216,000 this year, also bringing in outside firms to help facilitate regular meetings with area officials and give public presentations on the economic importance of water.

Add in funds paid to have films made about the area's water situation and employee salaries and "we have several hundreds of thousands of dollars going into these public relations campaigns geared around the Lake Powell Pipeline project," said Christi Wedig, executive director of the Glen Canyon Institute and past administrator for the Washington County-based Citizens for Dixie's Future.

Corey Cram, associate general manager for the district, said Wedig and others are mischaracterizing the district's expenditures. Cram said if the district wasn't under attack from "agenda-driven individuals or groups" spreading misinformation, there wouldn't be as much of a need for the district to counter those charges.

"We're not ashamed that we're planning," Cram said. "We're looking to take care of our people and plan for our water future."

The latest expenditure, a \$10,000-per-month retainer for a consulting firm from Las Vegas to help present the economics behind water to the public, has pipeline opponents especially riled.

Deseret News

Oil spill cleanup continues in Hyde Park

By Pat Reavy , Deseret News Published: Sunday, July 28 2013 11:50 a.m. MDT



Cleanup of an oil spill continued Sunday along a canal in the North Logan/ Hyde Park area. (KSL com)

LOGAN — Cleanup of an oil spill continued Sunday along a canal in the North Logan/ Hyde Park area.

Saturday night, Cache County officials discovered that the top coat of oil applied to a road construction project had washed away during a rainstorm that night and into a nearby canal. The oil carried over a five mile section of the canal.

Bear River Health Department spokeswoman Jill Parker said Sunday morning that the amount of oil that spilled into the canal was still being calculated.

The spill was contained and diverted late Saturday night into a field near Highway 91. Parker said drinking water in the area was never immediately in risk. Several departments were assisting with the cleanup Sunday.

Residents who notice their irrigation water is brown or has an unusual order were told not to water their properties.

A press conference was scheduled for 3:30 p.m. Sunday to update residents on the situation.

Information will be updated as it becomes available.

Email: preavy@deseretnews.com, Twitter: DNewsCrimeTeam

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So long lagoons? New Logan wastewater plant seems inevitable despite hefty price tag

By Kelly Cannon | Posted: Saturday, June 29, 2013 8:25 pm

Over the past 50 years, the Logan Lagoon Wastewater Treatment Facility has cleaned and filtered the wastewater that the majority of Cache County flushes down the toilet.

While not necessarily a pleasant task, the lagoon system is one of the largest of its kind in North America, receiving more than 15 million gallons of wastewater per day. The passive system filters out solids and harmful chemicals. While not fit for human contact, the water discharge is clean enough to use for irrigation after it has spent a minimum of 90 days in the facility.

However, the Environmental Protection Agency has put forth new regulations regarding the levels of phosphorus, nitrogen and ammonia that can be in water leaving wastewater treatment facilities in Utah. These new requirements must be met by 2017. The lagoon system is not equipped to remove these chemicals. This leaves Logan, the owner of the facility, and Nibley, Providence, River Heights, North Logan, Hyde Park and Smithfield cities, which also use the facility, in a predicament as to how they handle its waste.

How the lagoons work

Located west of Logan near the public shooting range, the cleaning system of the lagoon is divided into seven cells, allowing water to passively flow while it is being cleaned.

"The lagoons are a very simple, passive system. Some people call it natural systems. The waste water comes in from the east end, which we call the head works. We remove some of the solids there," said Issa Hamud, the director of the Logan City Environmental Department. "Then everything comes into the primary cells divided into two areas, A1 and A2, and then just follows through very passively from one cell to another."

The water is then chlorinated before leaving in a slow stream to be used for irrigation during the growing season and flows to the Cutler Reservoir during the winter.

The lagoon works through a process of aeration.

"We aerate to reduce the amount of BOD, biochemical oxygen demand, and suspended solids that are in the wastewater that need to be removed before it is discharged," Hamud said. "That's what this is. It's a very simple system. Wastewater comes in, and it stays in the lagoon for a minimum of 90 days to 180 days. Eventually, it comes out clean and we discharge it."

While the lagoon has worked well for the past 50 years, it is not able to remove phosphorus, nitrogen and ammonia, chemicals that have received stricter regulations from the EPA.

"Phosphorus needs to be around 1 (parts per million), and what we discharge right now is about 6, between 4 and 6," Hamud said.

According to Hamud, water containing phosphorus is good for irrigation because it is a nutrient that helps plant growth. However, it also allows for algae growth. When algae grows, the oxygen level in the water is depleted. This can have an adverse affect on the aquatic life in Cutler Reservoir.

Nitrogen is also a nutrient that is good for irrigation but can harm aquatic life because it depletes oxygen.

"What we discharge right now is about 14 (ppm), and it's in the form of ammonia," Hamud said. "The new ammonia limit is less than 3 and in some cases 1.3. The lagoons cannot do that."

Going mechanical

Hamud and representatives from the Utah Division of Water Quality met with the Logan Municipal Council last Tuesday to discuss the possibility of building a mechanical treatment plant that would replace the lagoon system. The council gave its approval to city employees to begin looking for ways to fund the new facility, a mechanical treatment plant, that can cost between \$110 million and \$125 million.

If built, the mechanical treatment plant would completely replace the lagoon system.

"The lagoons will go out of business," Hamud said. "They will no longer be used once that is complete and done."

There is a possibility of keeping the lagoons open so Utah State University can continue to use it as a research facility, looking into the ways algae can be used in the filter system and then used as a biofuel.

One of the benefits of having a mechanical plant is such a facility will have a much smaller footprint on the area.

"We acquired 100 acres to the south of here, and we're going to build the plant there and probably use 30 to 40 acres maybe," said Jim Harps, the director of Wastewater Management and the manager of the lagoons. "It allows you to treat a lot more water with a smaller footprint."

According to Harps, the mechanical plant would also be able to clean more water at a faster rate.

Harps oversees the testing of the water not only for phosphorus, nitrogen and ammonia but also for organic matter, solids and metals. Working out of a tiny lab on site, he and his employee send in reports and samples to the state on a daily, weekly, monthly, quarterly and annual basis. If a mechanical plant is built, the lab will be much larger and more accommodating for testing.

"We'll have a much bigger lab. There will be some daily stuff we'll want to keep track of. With the

mechanical plant, there's stuff you want to keep track of because you have solids that you're returning, solids you're returning. So we want to keep track of the amount of solids we're collecting and the bacteria that we have in there," Harps said. "We might have a microbiologist perhaps, or some of us will be trained in microbiology. We'll take lots of samples daily. It'll change, it'll definitely change. We'll have to hire a few new people."

Coming up with cash

The main disadvantage between a mechanical plant and a lagoon system is cost — not only to build the facility but also to operate it. According to Hamud, a mechanical plant requires a lot of energy, a lot of chemicals and a lot more people to run. The lagoon, being a passive system, requires only two employees and minimal amount of energy consumption.

Acquiring the money to build the mechanical treatment plant is the biggest challenge facing Logan city.

'It's a huge infrastructure designed and managed of the construction itself," Hamud said. 'There's a lot of things involved. It's a huge project, probably the biggest that Logan city has ever undertaken. The state is also telling us it's probably the biggest that they have ever funded."

The city itself has saved \$15 million in anticipation of the project.

"There are two other sources, one being the Rural Development Fund that we might be able to get \$20 million and there's also the (Capital Improvement Plan) fund that we might be able to get \$5 million," Hamud said.

The city is also looking into borrowing money from a revolving fund provided by the Department of Water Quality. Established in the late 1980s, the fund provides loans to communities who need help financing water quality projects.

"The loans would go out and the repayments would come back in and replenish the fund. Hence, the revolving fund," said Walt Baker, the director of the Utah Division of Water Quality. "Since 1988, the EPA has been providing grants to states to go into this revolving fund."

Communities qualify for the loans by having a project that is needed and that is a priority.

"Logan qualifies for the funding and we've spoken to them this past week as we met with the City Council and the mayor," Baker said. "They are intending to submit an application for funding to assist in this major project."

No repayment schedule has yet been determined should Logan secure the loan.

Even with the assistance from the state, Logan will need to go out for a bond to help fund the project.

"We'll have to go out to the public for around \$30 million," said Logan Mayor Randy Watts.



According to Watts, the bond would be paid for through an increase in the sewage fee to residents who use it. The increase could be between \$10 and \$13 a month.

Neighborly help

There is also potential for the other cities that would use the facility to contribute money in its construction. A few of the elected representatives of the cities are discussing the idea of creating a board that would oversee the mechanical plant instead of it being handled by Logan alone.

'In the past, the lagoons have been Logan's, and Logan is completely responsible for treating the sewage. If we end up changing our method of treatment, going to a mechanical plant or something like that, all of the cities are going to have to take ownership in the plant rather than just having it be a Logan system, and everyone just pays to Logan," said Smithfield City Manager Jim Gass. "I think there's going to have to be some representation and some involvement and some responsibility on the part of the other cities to shoulder the burden that comes with meeting this new standard more than financial."

Skarlet Bankhead, the city administrator in Providence, said her city is also open to the idea of creating a board to oversee the mechanical treatment plant.

'I think Providence city as a whole is certainly interested in exploring a board or a special sewer district or whatever they would call it. But I don't know at this point. I personally don't have enough information to feel one way or the other," Bankhead said. 'It's certainly something that needs to be explored, but it may end up being the way we're going is the best way."

Watts said there has been discussion on creating a board, but it hasn't gone past discussion.

"They'd set up a sewer district. There's been some discussion, but it hasn't got into anything more than discussion," Watts said. "As we move further into it, if the other cities want to move that direction, they'll bring that back to the wastewater board, and we'll sit down and discuss it if that's what they elect to do."

During the meeting between the Logan Municipal Council and the parties involved with the building of the mechanical plant, Watts noticed no other city representatives were present.

"I did not have anybody from any of the other cities represented. I had no mayors, no council. I had no city managers," Watts said. "And that was a little disconcerting for me."

Watts, who is seeking re-election in November, hopes he will be able to finish this project.

"The reason I'm running again is I want to finish this and close a lid on it. I'm so entrenched in it. It's consumed me because it's such a big dollar amount, and it affects all of us. I'm trying everything I can," Watts said. "I need the state's help. I've visited with the lieutenant governor. I've rattled everybody and they know exactly what our concerns are, and I'm going to continue to do that and

Coalville to begin mid-August

Aaron Osowski, The Park Record The Park Record Posted:

ParkRecord.com

Coalville's long-awaited wastewater treatment plant is set to finally begin construction this summer, and according to Mayor Duane Schmidt, it comes at just the right time.

Since 2006, the City of Coalville has been looking to "address concerns about land ownership, increasing maintenance costs and future capacity" associated with the existing facility, according to information provided on the city's website.

The treatment plant, which is located on land leased on a 50-year agreement from the United States Bureau of Reclamation (BOR), was set to have its lease expire in October of 2014. The new facility will be located just west of the Rail Trail at the dead end of 100 North in Coalville. Schmidt says this brand new, state-of-the-art facility has been one of his top priorities.

"We thought it was prudent for us to build a new facility," Schmidt said. "The elevation of this facility is higher, and it's not very far from the current one."

Over the last several years, the city has had problems finding funding for the plant. In August of 2010, the city signed an agreement for a grant under the Army Corps of Engineers (ACOE) 595 program to fund \$5 million of the estimated \$9.5 million project, according to Schmidt.

Since the United States Congress was unable to act on federal budget appropriations in December of 2010, however, the ACOE grant was withdrawn. Schmidt says the city had to start looking for funding all over again after this.

"We were back to the drawing board," Schmidt said.

Stepping up to the plate in April of 2011 to provide funding was the Utah Division of Water Quality (DWQ). Coalville had then approached DWQ, who will be funding the \$9.5 million treatment plant with a \$3.2 million loan and a \$6.3 million grant. The condition for this, however, is that sewer rates must be increased. Schmidt says the time for that is past due.

"The previous administration did not want to touch the fees for water and sewer. They thought it was political suicide," Schmidt said. "We need to keep up with the times; 1995 was the last fee increase."

As part of the funding package, DWQ mandated that sewer rates be put at \$45.94 to pay off the loan. Prior to the resolution in 2010, user rates were \$26 per month. Currently rates are at \$40 per month and must be raised accordingly.

Schmidt is confident that such fee increases will prove beneficial for Coalville residents.

"This new facility will be much better for the community at large. It will secure our future," Schmidt said.

Groundbreaking for the treatment plant is planned for mid-August and construction is expected to take 18 months. Schmidt said an AT&T fiber-optic cable is located near the project site and will need to be moved in "the next week or two."

The look of the new plant will also be vastly different from the previous one.

"People generally don't like the look of treatment plants," Schmidt said. "These buildings will actually be designed to look like agricultural barns."

For more information on Coalville's Wastewater Treatment Facility Project, visit www.coalvillecity.org.

The Salt Lake Tribune

Proposed drinking water, sewer fees face criticism

Environment • Federal budget cuts have states looking for new ways to make up the shortfall.

BY JUDY FAHYS

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New statewide water and sewer fees are in the works, and they have already caused a splash the size of a cannonball dive.

The proposed fees — amounting to about 10 cents per month for water district customers and a \$1 a month "toilet tax" — have come under fire from all corners of the state, with urban districts voicing some of the loudest concerns. The fees would help pay for drinking water and water-quality programs in the Department of Environmental Quality.

"They're basically selling tax increases in the form of fees," said Fred Finlinson, who represents the Utah Water Coalition, a group comprising the state's four largest water conservancy districts that has criticized the fees.

Though the drinking-water proposal is advanced and the sewer proposal is just in the early stages, both proposals signal a shifting approach to funding environmental programs in Utah.

While it's nothing new to have businesses with state-issued environmental licenses cover the costs of their own regulation with fees, programs that benefit the public traditionally have been covered by the U.S. Environmental Protection Agency and state general funds.

"That's the discussion they're ducking," Finlinson said.

A big driver behind the fees is that Congress has begun to starve the EPA's budget. And, coupled with the sequestration cuts, states count on less and less federal funding.

The cuts have prompted the Natural Resources Defense Council to call the current GOP majority in the U.S. House "the most anti-environment House in history." Its preliminary 2014 budget cuts EPA's funding by 34 percent, roughly the same as 1976 levels when adjusted for inflation, the environmental group pointed out.

Ken Bousfield, director of the Utah Drinking Water Division, says those EPA reductions are his main reason for seeking the new fee from about 1,000 public water districts. Without the fee, his agency's budget would be about \$1 million short, and that could mean cutting his 40-person staff by five to 10 — along with the programs they run.

"I'll try to retain programs the best I can," he said. "But when you start unzipping the pillow, all the feathers start coming out."

Bousfield has spent the summer trying to sell the idea around the state at public meetings. At first, he ran into a wall of opposition. And some of that lingers even as the proposal goes out for formal public comment.

The state's largest drinking-water provider, the Metropolitan Water District of Salt Lake & Sandy, detailed its objections in a July letter. So did Syracuse, Sandy and even the couple behind the South-Forty RV Park in Marysvale, Piute County.

"I am informing you it is something we will not pay for," said Jim and Terri Peterson. "We already pay fees and our time to have our water continually tested for the state."

Doug Allen, mayor of the San Juan County city of Monticello, initially resisted the fee. But he's more concerned about the possibility that the state might lose to the EPA its authority to carry out drinking-water laws if it can't find some way to cover the shortfall.

"We're not flush with money or anything," he said, "but I'd much rather have the [state] government be over it [the drinking water provided to the 700 homes and businesses in the community] than the EPA."

Jodi Hoffman, of the Utah League of Cities and Towns, agrees that the state should preserve its primacy over EPA programs, but her organization disputes the idea that the proposed fees on water and sewer districts are the way to accomplish that.

Fees like these are unprecedented, she said. "The question is, if that's allowed, then when does it stop?"

The league's legislative-policy committee recently voted unanimously against the kind of fees proposed by Bousfield's agency and the "toilet tax" the Division of Water Quality is considering.

Walt Baker, who oversees the state's water quality office, noted that the \$10 million raised through the sewer-district fee would help

pay to clean up nutrients — primarily phosphorus and nitrogen — from runoff and sewer-plant discharges.

Though not required under pending federal laws or regulations — yet — the effort is the biggest water-quality endeavor since the enactment of the Clean Water Act itself, he said.

"Water quality is a quality-of-life issue," he said, noting the impact on recreation, drinking water and the environment. "It's preserving what makes Utah where we want to be."

And, ultimately, the thinking goes, the statewide program would go a long way toward averting a future EPA crackdown on nutrient-related pollution that could cost billions of dollars. And the idea of generating the funds from user fees is something that resonates with Utahns, Baker said.

"Choose your poison," he said, noting that either taxes or fees would be coming from Utahns statewide. "It's either your left pocket or your right pocket."

He said his office is not pursuing the fee this year. "It's just not ripe yet."

Finlinson says it's time for an adult conversation about the fee vs. tax question. He has no quarrel with the proposals on the table, he just wants any decision about them to be thorough and well-informed.

When you add up all the fees — including costs sewer districts would be passing on to ratepayers to remove the nutrients, a cost he projects to be upward of \$3.75 per household monthly — he estimates that ratepayers would be ponying up \$60 a year or more.

"The issue that is challenging," said Finlinson, a former state senator, "is when [Baker, for instance] raises the fee for the sewer patrons to pay for the farmers to be better farmers."

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